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LEGISLATIVE COUNCIL

OF THE

UNITED PROVINCES

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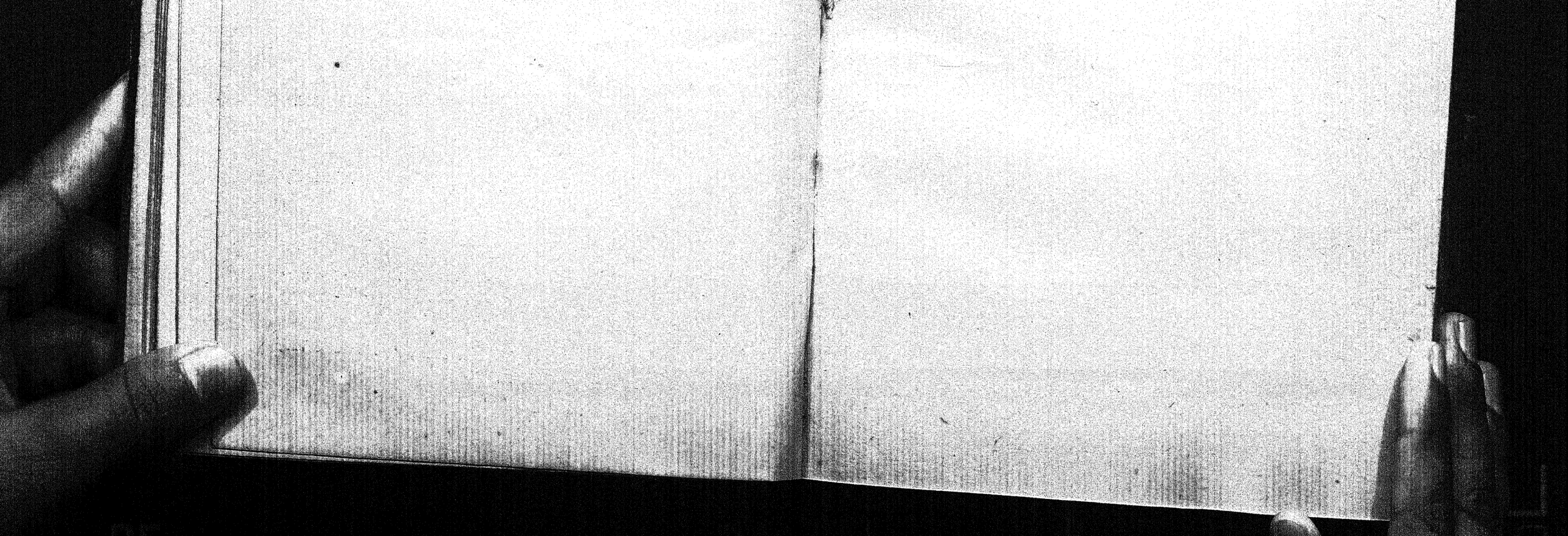
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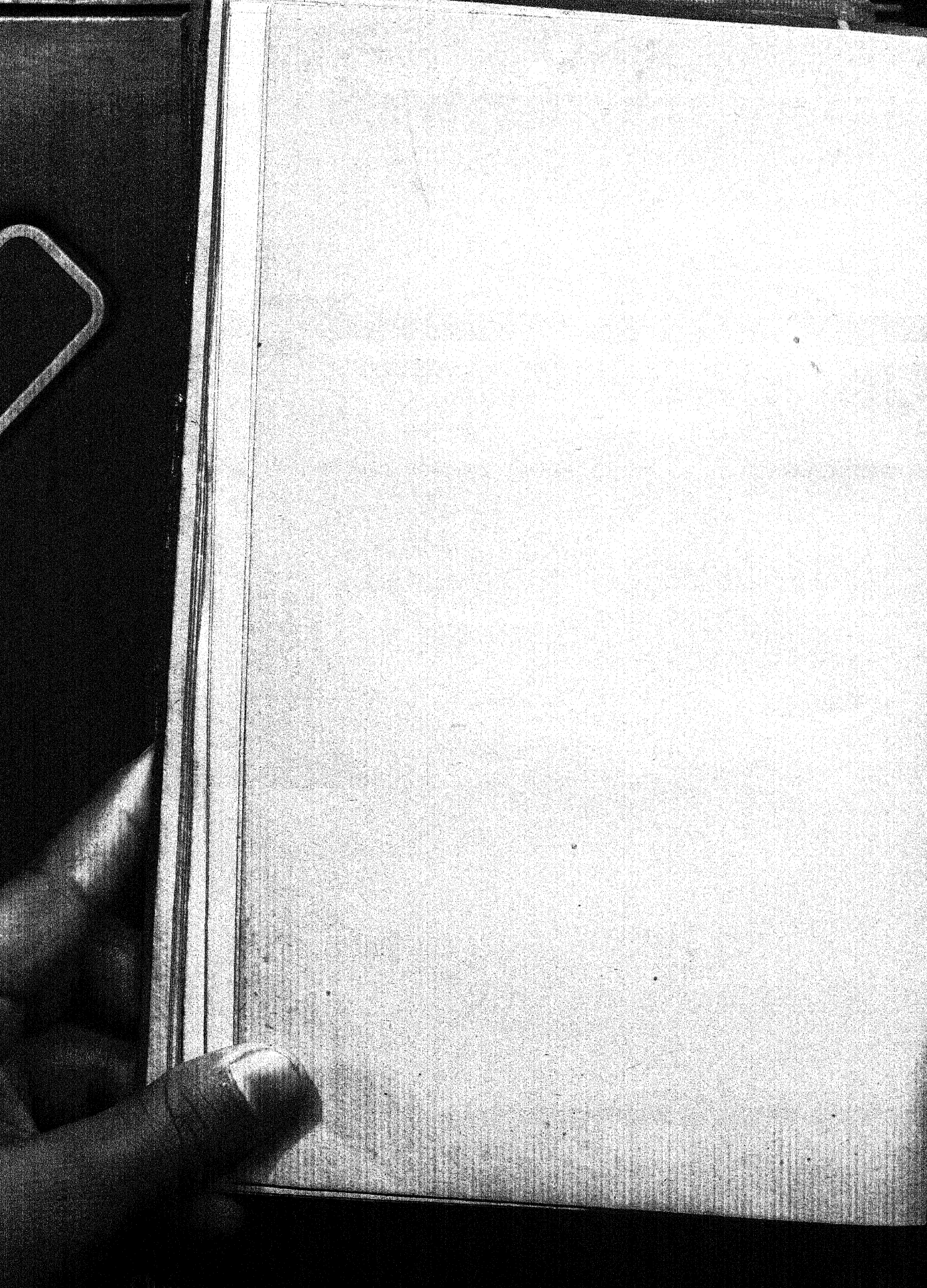
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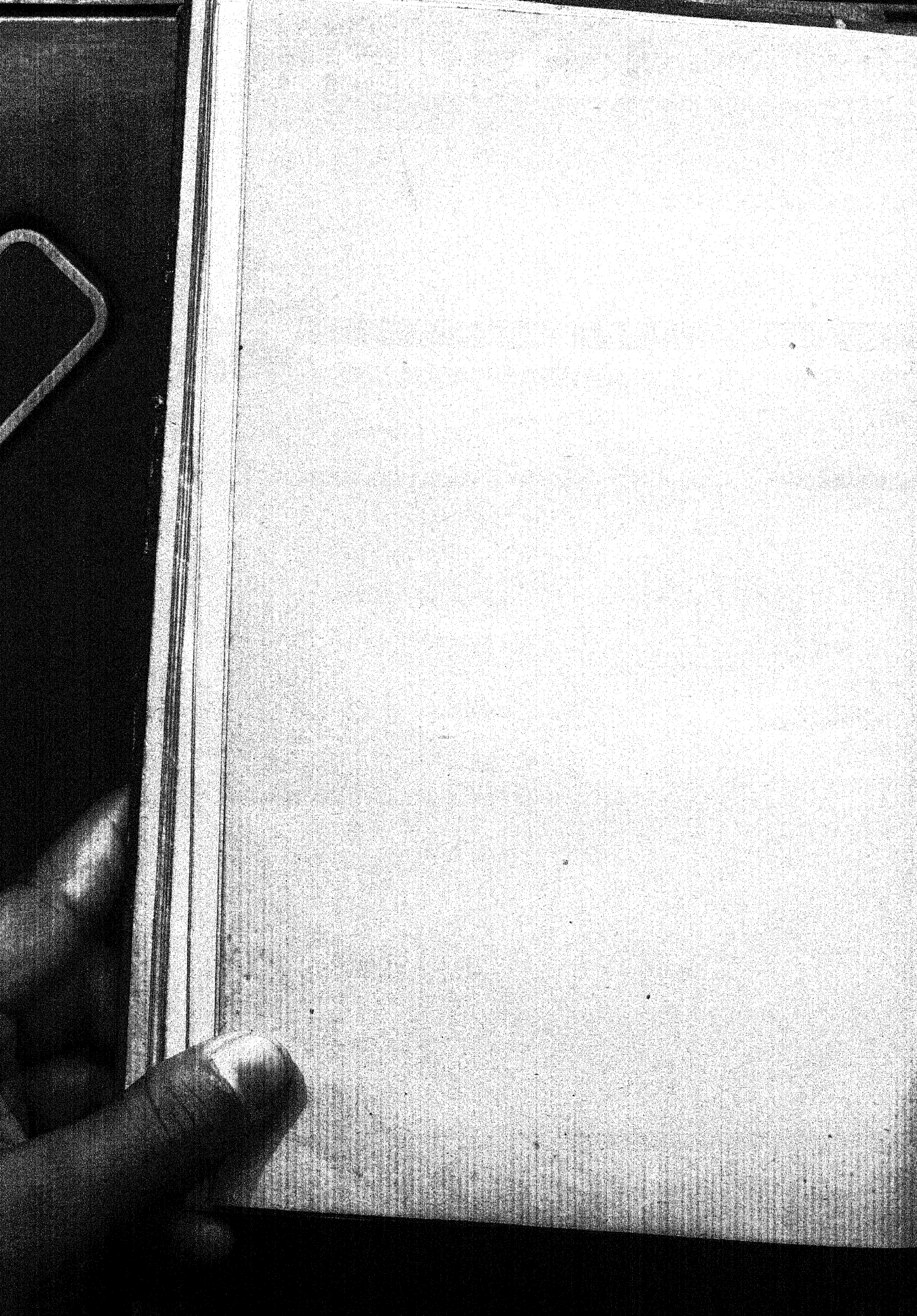
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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

UNITED PROVINCES

MONDAY, 6th NOVEMBER, 1922

VOL. X, NO. 1

OFFICIAL REPORT

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LEGISLATIVE COUNCIL,
UNITED PROVINCES OF AGRA AND OUDH.

Monday, 6th November, 1922.

The Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

PRESENT:

The Hon'ble Sir Ludovic Porter.
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan.
The Hon'ble Mr. C. Y. Chintamani.
The Hon'ble Pandit Jagat Narayan.
Mr. S. H. Fremantle.
Mr. G. B. Lambert.
Mr. H. S. Crosthwaite.
Mr. A. B. Reid.
Kunwar Jagdish Prasad.
Mr. A. C. Verrières.
Mr. R. Burn.
Mr. F. F. Sladen.
Mr. C. Moss King.
Mr. F. F. R. Channer.
Mr. H. de L. Ross.
Mr. G. B. F. Muir.
Lt.-Col. A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. H. M. Leake.
Mr. L. S. White.
Raja Muhammad Ejaz Rasul Khan.
Mr. H. W. Gill.
Mr. H. David.
Babu Khem Chand.
Pandit Govind Sahai Sharma.
Rai Anand Swarup Bahadur.
Rai Sheo Charan Lal Sahib.
Rai Ravinandan Prasad Bahadur.
Babu Chhail Bihari Kapur.
Pandit Soti Vishnu Swarup.
Major Kunwar Shamsher Bahadur Singh.
Lala Shadi Ram.
Pandit Hirday Nath Kunzru.
Chaudhri Mukhtar Singh.
Rai Sita Ram Sahib.
Pandit Nanak Chand.
Thakur Manak Singh.
Rai Man Singh Bahadur.
Rao Sheo Dhyan Singh Sahib.
Rai Indra Narayan.
Rai Daya Shankar Sahib.
Chaudhri Sardar Singh.
Babu Gur Sahai.
Pandit Brijnandan Prasad Misra.
Rai Gopal Das Sharma Sahib.
Babu Gendan Lal.
Pandit Balbhadra Prasad Tiwari.
Major Des Raj Ranjit Singh.
Raja Ram Gopal Singh.
Lieut. Kunwar Nand Lal.
Mahant Parmanand Gir.
Thakur Parsidh Narayan Singh.
Thakur Hanuman Singh.
Pandit Baij Nath Misra.
Rai Jodh Singh B. Negi Bahadur.
Pandit Gokaran Nath Misra.
Raja Shankar Sahai.
Sardar Birpal Singh.
Thakur Rajendra Singh.
Rai Mashal Singh Bahadur.
Kunwar Dillipat Sah.
Mr. Kesari Prasad Singh.
Babu Shankar Dayal.
Rai Rajeshwar Bali.
Mirza Muhammad Sajjad Ali Khan.
Saiyid Al-i-Nabi.
Saiyid Janab Ahmad.
Maulvi Sahabu-d-din.
Lieut. Kunwar Jamshed Ali Khan.
Khan Bahadur Kunwar Inayet Ali Khan.
Chaudhri Amir Hasan Khan, Khan Bahadur.
Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Khan Sahib Shaikh Muhammad Yusuf.

Munshi Ata-at-mand Khan Mujibee.
Mr. Zafar Husain.
Nawabzada Muhammad Yusuf.
Khan Bahadur Shah Badre Alam.
Mr. Muhammad Ismail, Khan Bahadur.
Mr. Shakir Ali.
Khan Sahib Hakim Nawab Ali Khan.
Mr. Jafer Hosain.
Khan Bahadur Shaikh Saiyid Muhammad.
Munshi Muhammad Zahur-ud-din Khan.
Mirza Mahmud Beg.
Nawab Mirza Sadiq Ali Khan.
Lieut. Shaikh Shahid Husain.
Raja Sir Saiyid Abu Jafar.
Mr. St. George Jackson.
Rai Kunwar Parmanand Bahadur.
Raja Amarpal Singh.
Raja Shambhu Dayal.
Thakur Nawab Ali Khan.
Thakur Jagannath Bakhsh Singh.
Rai Vikramajit Singh Bahadur.
Pandit Iqbal Narayan Gurtu.
Mr. A. W. Pim.

QUESTIONS AND ANSWERS.

Industrial School, Etawah.

*1. **Mr. Zafar Husain**: Will the Government be pleased to say whether for the recent abolition of the Industrial (Weaving) School at Etawah previous sanction had been obtained from the Government of India?

The Hon'ble Mr. C. Y. Chintamani: No, it was not necessary.

*2. **Mr. Zafar Husain**: Will the Government be pleased to quote the rule or any other authority under which it is beyond the competence of the Local Government to open an industrial school without previous sanction of the Government of India?

The Hon'ble Mr. C. Y. Chintamani: There is no such rule or authority.

*3. **Mr. Zafar Husain**: Will the Government be pleased to reconsider their decision with regard to the reopening of the Industrial (Weaving) School at Etawah at an early date?

If so, will the Government be pleased to give the probable date of reopening it?

The Hon'ble Mr. C. Y. Chintamani: The Director of Industries is corresponding with the District Board of Etawah, which shares the cost of the school equally with Government, as to the feasibility of reopening the school. Until the board have finally decided what they wish done in the matter, it is impossible for Government to say whether the school can be reopened, and on what date.

Facilities to political prisoners for spinning.

*6. **Mr. Zafar Husain**: Will the Government be pleased to say whether facilities for spinning are allowed to such of the non-co-operators in jail who desire it?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: First class misdemeanants in the Lucknow District Jail are at liberty to provide their own spinning wheels and raw cotton. No obstacle is offered to any prisoner who cares to spin.

Retirement of Civilians owing to Reforms.

*7. **Mr. Zafar Husain**: Will the Government be pleased to give the number of the civilians, if any, who have signified their wish to retire on pensions in view of the changed conditions consequent upon the working of the Reforms?

The Hon'ble Sir Ludovic Porter: The answer is in the negative.

Pandit Hirday Nath Kunzru: May I know if there are no civilians who have signified their wish to retire on pensions?

The Hon'ble Sir Ludovic Porter: The honourable member can himself draw a natural inference from the answer given.

Pandit Hirday Nath Kunzru: Is the Government aware that the Secretary of State stated that there was no objection on his part to give the number of civilians who wished to retire, and that the objection was only to their names being given publicity to?

The Hon'ble Sir Ludovic Porter: Personally, I have no objection to giving this information, but I understand that we are acting strictly in accordance with the orders received.

Pandit Hirday Nath Kunzru: Will the Hon'ble the Finance Member inquire as to whether it was not in connection with the refusal to state the number of Imperial Service officers who wished to retire that a *communiqué* was published that there was no objection to giving the information?

The Hon'ble Sir Ludovic Porter: I recollect the inquiry. The provincial Government act in strict accordance with the instructions received. I will make inquiries and let the honourable member know if those orders have since been cancelled. If they have been, I shall be delighted to give the figures.

Government grant to schools and colleges.

*8. **Mr. Zafar Husain**: Will the Government be pleased to lay on the table a statement showing since January, 1921 up to date the names of various schools and colleges to which a Government grant has been given, and the extent of such grant in each case?

The Hon'ble Mr. C. Y. Chintamani: The preparation of a statement of the nature desired by the honourable member will involve an amount of labour which will not be commensurate with its utility. The lists of aided schools for boys and girls in the United Provinces for the year 1922-23, compiled by the Director of Public Instruction, of which a copy is laid on the table of the honourable member, will, it is hoped, give him most of the information which he desires.

*9. **Mr. Zafar Husain**: Will the Government be pleased to lay on the table a statement showing since January, 1921 up to date:—

(*a*) the names of such institutions that asked for a Government grant and received it;

(*b*) the names of such institutions that did not ask for such grant, but received it; and

(c) the names of such institutions that asked for such grant but were not given?

The Hon'ble Mr. C. Y. Chintamani: The preparation of a statement containing the information required by the honourable member will involve considerable labour and will not in the opinion of Government serve any useful purpose. If the honourable member desires information in regard to any particular institution Government will endeavour to supply it to him.

Government Branch Press, Lucknow.

*10. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state the recurring and the non-recurring expenses of the Lucknow Government Press and also to state since when it has been started?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The recurring cost of the Lucknow Branch Press in 1921-22 was Rs. 13,500. There were no non-recurring expenses, as all machinery, plant and stores were transferred from the Government Press at Allahabad. This year's figures are not available.

A small press was installed in Lucknow in 1913. This was enlarged in 1921 in order to cope with Council and Secretariat work.

Rai Ravinandan Prasad Bahadur: Does this press take up private work also?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

*11. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state the difficulties if the Government printing at Lucknow be entrusted to some private firms? Was such an attempt ever made, and, if so, with what results?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: It has never been proposed to entrust the work done by the Lucknow Branch Press to private presses. The confidential nature of a large proportion of the work and the extreme urgency of all Council work preclude the possibility of its being so entrusted.

*12. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state if the work done at the Government printing presses is cheaper than it would be if done at the private printing presses?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: It is cheaper.

Deputy Superintendents of Police.

*13. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state the names of those persons who have been promoted during the last year to deputy superintendentship of police from inspectorship of police?

Will the Government be further pleased to state how many of them were line inspectors of police?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Reckoning from the 1st November, 1921, there have been three such promotions, namely—

(1) Inspector Munshi Tassaduq Husain, Khan Bahadur, M.B.E.

(2) Inspector Mr. R. J. H. Fitzpatrick.

(3) Inspector Babu Jotindra Krishan Mukerji, Rai Bahadur.

Of these, No. (2) was a reserve inspector.

Mr. G. E. Dean, M.B.E., who was also a reserve inspector, has recently been promoted to the rank of temporary deputy superintendent of police.

Pandit Gokaran Nath Misra: Will the Government be pleased to state as to whether there is a cadre of temporary deputy superintendents of police in this province, and, if so, what is the number?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I want further notice.

Inspectors of police.

* 14. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state the number of European and Anglo-Indian inspectors of police in the province and also to state how many of them are doing the work of investigating inspectors of police and how many of them are line inspectors of police?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The sanctioned number of European and Anglo-Indian inspectors of police in the United Provinces is 73. Of this number, 53 are reserve inspectors who are required, in addition to their own duties, to undertake inquiries of cases in which Europeans or Anglo-Indians are concerned when such cases occur. Fourteen officers are divisional inspectors of the Railway Police who conduct inquiries into important cases. The remaining officers are employed in the Criminal Investigation department and the Police Training school and are not usually employed on investigations.

Separation of executive and judicial functions.

* 16. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state what action has been taken to separate the executive and the judicial functions in the province? By what time is it likely that a complete separation of these functions will be an accomplished fact?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The honourable member is referred to the replies that have been given during the present session to other questions on the same subject.

Government grants to municipalities.

* 18. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state the total amounts of grants given during the last five years to the Lucknow municipality and to all the municipalities in the province?

The Hon'ble Pandit Jagat Narayan: The honourable member can obtain the information he requires from the annual reports on Municipal Administration and Finance up to the end of March, 1921. Figures for 1921-22 are given in the attached statement.

Statement showing grants made to municipal boards during the year 1921-22.

Name of municipality.	Amount of grants.		
	For general purposes.	For educational purposes.	For medical purposes.
1	2	3	4
	Rs.	Rs.	Rs.
Dehra	16,242	1,250	..
Mussooree	..	3,800	..
Saharanpur	1,118	8,220	2,500
Hardwar Union	..	1,490	518
Deoband	487	1,300	..
Roorkee	..	720	518
Muzaffarnagar	720	1,440	350
Kairana	..	1,300	..
Meerut	16,900	7,037	..
Ghaziabad	..	625	..
Hapur	518	1,055	..
Bulandshahr	..	2,690	..
Khurja	..	1,730	..
Sikandrabad	363	2,110	..
Koil (Aligarh)	5,000	3,555	518
Hathras	507	2,165	..
Atrauli	..	1,250	..
Sikandra Rao	..	720	..
Muttra	51,543	3,225	360
Brindaban	..	1,010	382
Agra	48,741	1,682	2,700
Firozabad	2,950	1,927	518
Mainpuri	..	1,105	..
Etah	235	630	..
Soron	720	..	..
Kasganj	1,010	..	..
Jalesar	..	960	..
Bareilly	..	24,918	5,470
Bijnor	..	1,200	..
Chandpur	..	915	..
Dhampur	530	..	..
Nagina	445	1,300	..
Najibabad	518	1,345	..
Budaun	670	2,355	..
Ujhani	191	575	..
Sahaswan	..	1,395	..
Moradabad	1,106	5,240	..
Chandausi	518	1,200	..
Amroha	297	3,075	..
Sambhal	..	3,365	..
Shahjahanpur	352	3,845	..
Tilhar	330	1,155	..
Pilibhit	390	1,540	..
Bisalpur	..	1,540	..
Etawah	1,037	2,835	..
Cawnpore	9,100	8,072	..
Fatehpur	..	1,540	5,526
Farrukhabad-cum-Fatehgarh	..	3,125	762
Allahabad	31,486	..	518
Banda	495	1,250	..
			..

Statement showing grants made to municipal boards during the year 1921-22—(concluded).

Name of municipality.	Amount of grants.		
	For general purposes.	For educational purposes.	For medical purposes.
1	2	3	4
	Rs.	Rs.	Rs.
Jhansi	876	3,075	..
Lalitpur	..	675	..
Mau	..	675	..
Orai	..	575	2,000
Kalpi	..	675	..
Kunch	518	1,060	..
Benares	..	14,058	7,509
Mirzapur	519	1,440	..
Jaunpur	1,168	1,585	..
Ghazipur	..	1,200	..
Ballia	518	960	..
Gorakhpur	759	2,690	..
Azamgarh	..	625	324
Almora	..	530	686
Naini Tal	54,874	..	..
Kashipur	..	770	..
Lucknow	9,07,634	28,203	3,100
Unao	..	675	..
Rae Bareli	430	915	..
Sitapur	..	1,105	518
Khairabad	..	865	..
Hardoi	..	770	506
Shahabad	..	1,345	221
Sandila	..	1,920	..
Lakhimpur	..	575	518
Fyzabad	1,037	2,645	6,000
Tanda	..	1,345	..
Gonda	353	625	..
Balrampur	..	915	..
Bahraich	506	1,685	..
Sultanpur	..	575	..
Bela (Partabgarh)	..	530	..
Nawabganj (Bara Banki)	506	770	..

Pay of Registrar of Allahabad University.

* 25. **Major D. R. Ranjit Singh**: Is it a fact that the pay of the Registrar of the Allahabad University has been raised to Rs. 1,200—50—1,500 from May, 1922, and the maximum has already been drawn from the 1st May, 1922?

The Hon'ble Mr. C. Y. Chintamani: Yes.

Pandit Iqbal Narayan Gurtu: Was the question of the increment of pay referred to the Hon'ble Minister for Education?

The Hon'ble Mr. C. Y. Chintamani: It was not exactly referred to me. The Vice-Chancellor acted under section 54, clause (*f*). He sent the information to His Excellency the Chancellor, and my opinion was subsequently asked by His Excellency.

Pandit Iqbal Narayan Gurtu: Am I to understand that the Vice-Chancellor on his own authority gave this increase of salary to the Registrar?

The Hon'ble Mr. C. Y. Chintamani: That is so.

Pandit Hirday Nath Kunzru: Is the Vice-Chancellor competent to increase recurring expenditure?

The Hon'ble Mr. C. Y. Chintamani: The question whether the Vice-Chancellor's action was valid and legal has been referred by the Government to their legal advisers, and their opinion is awaited.

Pandit Hirday Nath Kunzru: Will the Legislative Council be entitled to have any say in the matter at the time of the budget discussion?

The Hon'ble Mr. C. Y. Chintamani: The question will have to be decided by an interpretation of the Act and the rules and standing orders, and I do not think that I can pretend to express an opinion upon that point.

Pandit Hirday Nath Kunzru: Is it a fact that the present Vice-Chancellor asked for an increase of pay for the Registrar last year and the proposal was turned down by the local Government?

The Hon'ble Mr. C. Y. Chintamani: The present Vice-Chancellor before he became Vice-Chancellor was Director of Public Instruction on special duty. He came up before Government with anticipatory proposals as to the requirements of the University, and this item was one of them, which was not approved by Government.

Pandit Hirday Nath Kunzru: Was the increase in the salary made without any previous reference at all either to the local Government or to the Chancellor?

The Hon'ble Mr. C. Y. Chintamani: The answer is in the affirmative.

Mr. Devi Das Gandhi.

* 26. **Major D. R. Ranjit Singh**: Is it a fact that the punishment depriving Mr. Devi Das Gandhi of his right to write letters for the rest of his term of imprisonment has been imposed as a result of writing a letter without the knowledge of the Superintendent of the jail when Mr. Devi Das was only an undertrial prisoner?

* 27. Does the Government propose to ask the jail authorities concerned to withdraw this ban immediately?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The penalty in question has been limited to a period of three months.

Rai Sita Ram Sahib: From what date is this period of three months to be calculated, from the date of imprisonment or from the date of this question?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: From the date of the infliction of this penalty.

Rai Sita Ram Sahib: Was this penalty imposed on the very day of his imprisonment?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

Rai Sita Ram Sahib: When did it come into effect then?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: About the beginning of September.

Pandit Hirday Nath Kunzru: Was it published in the papers in June last?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I think so.

Pandit Hirday Nath Kunzru: How is it that no action was taken for several months until September last?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I would ask for notice.

Deputy Inspector-General of Police.

* 29. **Pandit Hirday Nath Kunzru**: (*a*) Has the additional post of Deputy Inspector-General of Police created temporarily in 1918 been made permanent? If so, when were the higher authorities asked to allow the post to be made permanent and when was their sanction received?

(*b*) Did the Financial Secretary state on behalf of the Government in the Council on the 17th March, 1921 that no proposal would "be sent to the Government of India for an Additional Deputy Inspector-General unless that also is approved by the Finance Committee?"

(*c*) Did the Hon'ble Home Member give an undertaking to the Council during the last debate on the Police budget that he would recommend the abolition of the post referred to above to the Government in 1923, and that so far as he personally was concerned the post might be retained for six months only and would not be retained for more than a year?

Mr. G. B. Lambert: (*a*) The answer to the first part of the question is in the negative. The second part does not arise.

(*b*) and (*c*) The statements made are on record *in extenso* in the Council proceedings.

Pandit Hirday Nath Kunzru: Were the higher authorities asked to make the post permanent?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes.

Pandit Hirday Nath Kunzru: When were they so asked?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I want further notice.

Pandit Hirday Nath Kunzru: May I ask whether their sanction has been received, and, if so, when?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes; it has been received.

As the file is not before me, I cannot say when it was so received.

Honoraria to officers of Finance department.

*30. **Pandit Hirday Nath Kunzru**: Were any honoraria granted to the officers or subordinates of the Finance department in connection with the United Provinces Development Loan? If so, will the Government be pleased to lay on the table a statement showing the names of the officials who received the honoraria together with the amount received by each person?

Mr. H. S. Crosthwaite: Messrs. Blunt (Rs. 2,600) and Teyen (Rs. 900) only were granted honoraria for work in connection with the United Provinces Development Loan.

Pandit Hirday Nath Kunzru: May I inquire when these payments were made?

The Hon'ble Sir Ludovic Porter: I cannot give the dates. I must ask for notice.

Pandit Hirday Nath Kunzru: Were these amounts included in the budget which was presented to the Council?

The Hon'ble Sir Ludovic Porter: As far as I remember, the amount paid to Mr. Teyen was paid from the Civil Contingencies Fund. Consequently, the item must have been laid before the Finance Committee. The other item paid to Mr. Blunt was from the head "Salaries."

Pandit Hirday Nath Kunzru: Was the attention of the Council drawn to it?

The Hon'ble Sir Ludovic Porter: No.

Pandit Hirday Nath Kunzru: Was it sanctioned by His Excellency the Governor under any special power?

The Hon'ble Sir Ludovic Porter: No.

Pandit Iqbal Narayan Gurtu: Is the Hon'ble the Finance Member sure that the matter was brought before the Finance Committee?

The Hon'ble Sir Ludovic Porter: With regard to Mr. Teyen I am quite certain, but with regard to Mr. Blunt I am not.

Pandit Hirday Nath Kunzru: Was the question of Mr. Blunt's honorarium referred to the Finance Committee?

The Hon'ble Sir Ludovic Porter: I have already stated that it was not.

Pandit Hirday Nath Kunzru: Did the Accountant-General raise any objection to the payment of the honorarium?

The Hon'ble Sir Ludovic Porter: He raised no objection. He merely asked for information, and no further objection has been received.

Pandit Iqbal Narayan Gurtu: Did this item appear in any supplementary estimates for the approval of the Council?

The Hon'ble Sir Ludovic Porter: I shall make inquiries.

Pandit Hirday Nath Kunzru: Will the Government state whether the honorarium given to Mr. Blunt was in connection with the preparation

of his pamphlet " Financial rules under the new Government "? Was this matter laid before the Finance Committee, and, if not, why was a different practice followed in connection with the payment of this honorarium?

The Hon'ble Sir Ludovic Porter: This was an ordinary administrative act, which did not require any sanction. The Government acted under Fundamental Rule no. 46. As, however, there has been a good deal of controversy, I am ready to give an undertaking that in future the honorarium given to an officer will be referred to the Finance Committee in the ordinary course. There was no object whatever in concealing this matter, and certainly it was not the intention of the Government to do so.

Pandit Iqbal Narayan Gurtu: Is it a fact that the payment made to Mr. Teyen has not been brought before the Council in any shape?

The Hon'ble Sir Ludovic Porter did not reply.

High Court vacations.

4. **Mr. Zafar Husain**: Will the Government be pleased to say whether it is in the province of the Local Government to reduce the three months' vacation in the High Court?

5. Will the Government be pleased to give reasons for allowing three months' vacation to the High Court?

Mr. L. S. White: Answers will be given at a later date.

Superintendents of Police.

15. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state the number of Superintendents of Police who are likely to retire next year?

Mr. G. B. Lambert: Five.

Sarda Canal.

17. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state the time by which the Sarda canal will be ready?

Will the Government be further pleased to state by what time the distributaries of the canal are expected to be ready?

The Hon'ble Sir Ludovic Porter: (*a*) Honourable member is referred to the reply given to question No. 41.

(*b*) Major distributaries are expected to be completed by 1930.

Government grant to district boards and municipalities.

19. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state the amount of total grants given during the year to all the municipalities and to all the district boards for sanitation, education and for other improvements?

Mr. G. B F. Muir: An answer will be given at a later date.

Foreign scholarships.

20. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state the number of scholarships available this year for students proceeding to foreign countries?

Will the Government be further pleased to state the subjects for which the scholarships will be available?

Kunwar Jagdish Prasad: None.

The second part of the question does not arise.

Mosque in 9, Cawnpore Road, Allahabad.

21. **Nawabzada Muhammad Yusuf**: (*a*) Is the Government aware that there is an old mosque in the compound of house No. 9, Cawnpore Road, Allahabad?

(*b*) Is the Government aware that the use of the said mosque as a godown by the owner of the house has wounded the religious feelings of the Muhammadans?

(*c*) Will the Government be pleased to reclaim the said mosque and make it over to the Muhammadans of Allahabad on such terms as may be deemed fit?

Mr. G. B. Lambert: (*a*) Yes.

(*b*) No.

(*c*) It is understood that there would be no difficulty in securing it on reasonable terms for the Muhammadan community, if the latter are willing to pay for it.

Muhammadans in Secretariat.

22. **Nawabzada Muhammad Yusuf**: (*a*) Will the Government be pleased to state the number of Muslims and non-Muslims employed permanently in the Civil and Public Works department Secretariats as (1) Assistant Secretaries, (2) Superintendents, (3) clerks in the superior service, and (4) clerks in the subordinate service?

(*b*) Do the Government propose to take any steps to give a fair representation to Muslims on the above establishments?

Mr. G. B. Lambert: (*a*) A statement is laid on the table.

(*b*) The Governor in Council does not propose to extend the principle of communal representation to the posts in question.

Statement in reply to Council question No. 22 *for the 6th November, 1922, asked by* NAWABZADA MUHAMMAD YUSUF.

Description of posts.	Muslims.	Non-Muslims.	Remarks.
Civil Secretariat.			
Assistant Secretaries	..	8	
Superintendents	1	14	Mir Munshi.
Superior service clerks	10	48	
Subordinate service clerks	9	74	
P. W. D. Secretariat, Irrigation branch.			
Assistant Secretary	..	1	
Superintendents	..	4	
Clerks in superior service..	1	11	
Clerks in subordinate service	2	16	
P. W. D. Secretariat, B. and R. branch.			
Assistant Secretary	..	1	
Superintendents	..	4	
Clerks in superior service	2	15	
Clerks in subordinate service	5	23	

Acquisition of land for Technical School Hostel, Gorakhpur.

23. **Bhaya Hanumat Prasad Singh** : Will the Government be pleased to state how much money did the Government pay in compensation for Babu Shekhar Chand's *bagh* for constructing the hostel for the Technical School, Gorakhpur? Are all the trees standing or cut down? If cut down and sold, how much money was realized and credited to the treasury?

Mr. A. B. Reid: A reply will be given later.

Principal, Technical School, Gorakhpur.

24. **Bhaya Hanumat Prasad Singh** : Was the post of Principalship of the Gorakhpur Technical School advertised, if so, how many applications were received?

Mr. A. B. Reid : The post of the Principal of the Gorakhpur Technical School was not advertised for the reason that Mr. Yadav, an ex-State scholar of these provinces and in employment in the Central Provinces, had applied for transfer from the Central to the United Provinces, and was considered suitable for the post.

Extensions to Head Clerks and Jailors in Jail department.

28. **Rai Indra Narayan** : (1) Will the Government be pleased to state how many jailors or head clerks in the Jail department are under extensions and how many more such extensions are to be given?

(2) In case of such grants, will the Government be pleased to state if any provision has been made to safeguard the interests of the juniors in that line who suffer on account of such extension?

Mr. L. S. White : (1) Four jailors have been granted extensions up to 31st March, 1923. No further grants of extension are in contemplation at present.

(2) The answer is in the negative, but extensions are only given for exceptional reasons.

Extensions to District and Sessions Judge and Judge of Small Cause Court, Lucknow.

31. **Munshi Ata-at-mand Khan Mujibee** : (*a*) Is it a fact that the period of retirement of a District and Sessions Judge (Provincial Service) in Oudh has already expired several years ago and that he has already got not less than two extensions?

(*b*) Is it a fact that the period of service of the Judge of Small Cause Court, Lucknow, has expired about a year ago and that he has also got one year's extension?

(*c*) Is it a fact that the extension of each of the said officers was granted on the understanding that they would get no more extensions?

(*d*) Will the Government be pleased to state on what grounds these extentions were granted?

Mr. G. B. Lambert: (*a*) As regards Pandit Sitla Prasad Bajpai, the honourable member is referred to the answers to questions Nos. 34 for the 8th of January, 1922, and 14 for the 18th of March, 1922.

(*b*) The answer is in the affirmative.

(*c*) The retirement of both officers, one in January and one in April next, has already been sanctioned.

(*d*) The honourable member is referred to part (*e*) of the answer to question No. 14 for the 18th of March, 1922.

Muhammadan munsif at Kanauj.

32. **Munshi Ata-at-mand Khan Mujibee**: Is it a fact that no Muhammadan munsif has been posted (with the exception of one, who worked only for four months as additional munsif) in the Kanauj Munsifi, district Farrukhabad, for 35 years? Will the Government be pleased to post some Muhammadan munsif there?

Mr. G. B. Lambert: The High Court has been unable to verify the suggestion in the first part of this question. As regards the second part, the aim of the High Court is, and will always be, to send the most suitable officer available, irrespective of race or religion.

Muhammadan sub-divisional officer at Farrukhabad.

33. **Munshi Ata-at-mand Khan Mujibee**: (*a*) Is it a fact that there is no Muhammadan sub-divisional officer at present in the Farrukhabad district?

(*b*) Is it a fact that there is only one Muhammadan deputy collector in the Farrukhabad district?

(*c*) Will the Government kindly take early steps to post some Muhammadan deputy collector as sub-divisional officer?

Mr. G. B. Lambert: (*a*) and (*b*) Yes.

(*c*) The reason is that the last three officers, who proceeded on leave, were Muhammadans. The matter will be looked into.

INFORMATION AS TO QUESTIONS ASKED AT PREVIOUS MEETINGS.

Answer with reference to questions Nos. 6 and 8* asked at the Council meeting of the 28th March, 1921.*

QUESTION No. 6.*

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: *Naini Tal*—

(*a*) 1,000 acres.
(*b*) One village.
(*c*) Compensation amounting to Rs. 140 was given.
(*d*) The average rate of compensation was 9½ annas per *nali*.

QUESTION No. 8.*

Naini Tal—

(*a*) None.
(*b*) 114.
(*c*) The reasons were that, in some cases, the villages already had sufficient rights; in other cases the villages were either too far from any forests, or had gone out of cultivation and were deserted.

Answer with reference to question No. 13* *asked by* CHAUDHRI MUKHTAR SINGH *on the 6th April*, 1921.

The Hon ble Raja Sir Muhammad Ali Muhammad Khan: Local inquiry has been made and it cannot be discovered that a single occupancy tenant left the village of Bijauli in the Aligarh district during the last five years. On the other hand, the number of occupancy holdings has increased during that period.

Answer with reference to question No. 17* (*listed for the 5th August*, 1921) *asked by* CHAUDHRI MUKHTAR SINGH SAHIB *on the 8th August*, 1921.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: An inquiry was made and the District Officer reports that lions are extinct in the United Provinces and that he doubts whether tigers have ever been seen or met anywhere near the Gurukul. Leopards may rarely roam near the building, but certainly are not common. There is in his opinion no fear whatsoever for the safety of the lives or the property of the teachers and boys at the Gurukul and there is therefore no necessity that any of them should possess fire-arms.

Rai Sita Ram Sahib: Is the Government aware that there are other man-eaters in the neighbourhood of the Gurukul?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

Rai Sita Ram Sahib: Will the Government kindly make inquiries?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes.

Answer with reference to question No. 18* *for the 8th August*, 1921 *asked by* PANDIT NANAK CHAND SAHIB.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) Government is aware that Mr. Baij Nath, Sessions Judge, recommended the cancellation of certain licences for arms and the grant of a licence to one witness in the case referred to, and that Mr. Justice Walsh in his appellate judgment concurred in the recommendations made by the Sessions Judge.

(*b*) No licences were cancelled as a result of these recommendations. The witness who was recommended for the grant of a licence was advised to apply for a licence if he wished to keep a gun. It appears that he never applied and therefore has not been given a licence.

Answer with reference to question No. 89 *asked by* RAI SITA RAM SAHIB *at the Council meeting held on the 9th August*, 1921.

The Hon'ble Sir Ludovic Porter: (1) (*a*) Only one Computor employed in the Irrigation branch of the Public Works department is a qualified Overseer.

(*b*) The scale of salary of Computors is Rs. 300—12/3—360 and Rs. 155—5—195.

(*c*) All Computors have the chance of promotion to the highest post in the branch.

(2) Government is prepared to appoint any Overseer Computor to the Provincial Engineering Service who has proved his fitness.

(3) (*a*) There is no particular reason for the distinction and it is hoped shortly to remove it.

(*b*) No.

(*c*) Since last year.

Answer with reference to supplementary question No. 53 *asked by* BABU CHHAIL BIHARI KAPUR *at the Council meeting of the* 26*th October*, 1921.

The Hon'ble Pandit Jagat Narayan: The report of the committee has been received and it has been decided to locate the second medical school at Bareilly.

Babu Chhail Bihari Kapur: Has any site been selected for the school?

The Hon'ble Pandit Jagat Narayan: I want further notice.

Answer with reference to supplementary questions Nos. 23* *and* 24* *asked by* BABU CHHAIL BIHARI KAPUR *at the meeting held on the* 28*th October*, 1921.

23. **The Hon'ble Pandit Jagat Narayan**: The United Provinces Medical Council and Board of Communications alone publish their proceedings in the *United Provinces Government Gazette*, while the following do not do so :—

1. †The Board of Education, United Provinces.
2. The Advisory Council of the Thomason Civil Engineering College, Roorkee.
3. The Advisory Committee of the Government High School for Indian Girls, Lucknow.
4. The Students' Advisory Committee, United Provinces.
5. †The Provincial Maktab Committee, United Provinces.
6. The Central Board of School Leaving Certificate Examination, United Provinces.
7. The Provincial Text-Book Committee.
8. The Government English School Committees.
9. The Provincial Maktab Text-Book Committee.
10. The District Maktab Committee .
11. The United Provinces State Board of Medical Examinations.
12. †The Board of Public Health.
13. The Forest Board.
14. The Board of Agriculture.
15. The Governing Body of the Agricultural College.
16. The Provincial Cotton Committee.
17. The Irrigation Board.
18. †The Board of Industries.
19. The Finance Committee.

24. (*a*) Members of the following advisory boards are permitted to initiate discussion of questions in their respective boards by means of resolutions (as in the Legislative Council) without previous reference to Government but with the permission of the Chairman :—

1. The Advisory Council of the Thomason Civil Engineering College, Roorkee.
2. The Advisory Committee of the Government High School for Indian Girls, Lucknow.

†A press note dealing with its proceedings is issued.

3. The Students' Advisory Committee, United Provinces.
4. The Provincial Maktab Committee, United Provinces.
5. The Central Board of the School Leaving Certificate Examination, United Provinces.
6. The Provincial Text-Book Committee.
7. The Government English School Committees.
8. The Provincial Maktab Text-Book Committee.
9. The District Maktab Committees.
10. The United Provinces Medical Council.
11. The United Provinces State Board of Medical Examinations.
12. The Irrigation Board.
13. The Board of Education, United Provinces.
14. The Board of Public Health.
15. The Board of Industries.
16. The Board of Agriculture.
17. The Governing Body of the Agricultural College.

In the case of the Forest Board, the Provincial Cotton Committee, and the Board of Communications the question has not arisen.

(*b*) The Finance Committee.

(*c*) Government do not consider that the compilation of such a pamphlet is necessary.

Answer with reference to question No. 5 asked by BABU CHHAIL BIHARI KAPUR *at the Council meeting on the 3rd December*, 1921.

The Hon'ble Mr. C. Y. Chintamani: (*a*) Yes.

(*b*) (i) The members of the Committee and the Secretary are appointed by Government.

(ii) The Library is controlled by a Committee of which the Commissioner of Lucknow is *ex officio* President.

(*c*) The President and Secretary are *ex officio* members. Other members are appointed by Government.

(*d*) Rupees 365-10-0.

(*e*) (i) Yes.
(ii) Yes.
(iii) Yes.
(iv) Four times.
(v) This does not arise

Babu Chhail Bihari Kapur: What is the remuneration paid to the Secretary?

The Hon'ble Mr. C. Y. Chintamani: An honorarium of Rs. 50 a month.

Answer with reference to the supplementary question to question No. 40 asked by RAI SITA RAM SAHIB *at the meeting held on the 25th January*, 1922.

The Hon'ble Mr. C. Y. Chintamani: In some cases the lowest tender was not accepted as the work of the firm which made the lowest tender was not considered satisfactory. Amongst other objections to this firm's work may be noted the fact that in the specimen pages submitted with their tender the Urdu print was different from that used in these provinces.

Answer with reference to questions Nos. 59 to 67 asked by* MR. H. W. GILL *at the meeting held on 1st March, 1922.*

The Hon'ble Pandit Jagat Narayan: 59,—Yes.

60. Yes.

61. The Governors have put in a protest against the proposed acquisition of the land. The trustees desire to discuss the scheme with the Chairman of the Improvement Trust and the Irrigation Engineer on the spot before taking any action in the matter.

62. Sir Ludovic Porter and the Legal Remembrancer to the United Provinces Government.

63. (*a*) As it is proposed to acquire the land under the Land Acquisition Act, the approval of the trustees and of the High Court of Calcutta is unnecessary and has neither been asked for nor given.

(*b*) Rupees 2,71,567. It is believed that the general effect of the lake will conduce to healthiness.

(*c*) The lake is being constructed in order to deal with the insanitary conditions caused by the Ghaziuddin Haidar's canal and the swamp grounds in its neighbourhood.

64. The improvement of the present lake would not serve the necessary purpose.

65. Compensation will be estimated by the Deputy Commissioner in accordance with the provisions of the Land Acquisition Act.

66. Three of the proposed building sites encroach on the playground of the school. These, however, can be excluded from the scheme and need not be built over.

67. The graveyard is to be protected by a bund on a level of 357 R.D.

Answer with reference to question No. 8 for the 6th March asked by* BABU CHHAIL BIHARI KAPUR.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) He was convicted under section 32 of the Police Act for taking part in a prohibited procession.

(*b*) He is described as the son of a small pleader. He was awarded simple imprisonment, and has not been otherwise classified.

(*c*) Yes.

Answer with reference to question No. 18 asked by BABU SHANKAR DAYAL *at the Council meeting of the 6th March, 1922.*

The Hon'ble Pandit Jagat Narayan: No; it is reported that the tax on circumstances and property is assessed on the basis of the income or profits of the year ending on the 31st December previous to the date of assessment in accordance with the rules for the assessment and collection of this tax.

Answer with reference to question No. 1 asked by* BABU CHHAIL BIHARI KAPUR *at the Council meeting of the 8th March, 1922.*

The Hon'ble Sir Ludovic Porter: (*a*) A statement showing the desired information is laid on the table.

(*b*) The proceedings of the Government English Schools Committee are in part confidential under paragraph 162 (2) (*c*) of the Education Code. The proceedings of the Finance Committee are confidential under Standing Order 81. With regard to the remaining Boards and Committees the practice varies according to circumstances.

Statement.

The following Boards and Committees were in existence on the 1st January, 1921 :—

1. The Board of Education, United Provinces.
2. The Advisory Council of the Thomason Civil Engineering College, Roorkee.
3. The Advisory Committee of the Government High School for Indian Girls, Lucknow.
4. The Students' Advisory Committee, United Provinces.
5. The Provincial Maktab Committee, United Provinces.
6. The Central Board of the School Leaving Certificate Examination, United Provinces.
7. The Provincial Text-Book Committee.
8. The Government English School Committees.
9. The Provincial Maktab Text-Book Committee.
10. The United Provinces Medical Council.
11. The United Provinces State Board of Medical Examination.
12. The Board of Public Health.
13. The Board of Agriculture.
14. The Standing Committee of Co-operators.
15. The Irrigation Board.
16. The Board of Industries.
17. The Board of Communications, and
18. The Finance Committee.

In addition to these, the following were in existence on the 1st January, 1922 :—

1. Public Accounts Committee.
2. Provincial Cotton Committee.
3. Forest Board.

Answer with reference to questions Nos. 5, 6 and 7 asked by RAI JODH SINGH B. NEGI BAHADUR *at the Council meeting of the 20th March*, 1922.

5. **The Hon'ble Pandit Jagat Narayan**: No report to this effect has been received either by Government or by the local authorities, and in view of the fact that a foot-bridge is available all the year round over which men with loads can travel, it is unlikely that many lives of men are lost. As regards pack and agricultural animals the road on each side of Chalthi is subject to heavy landslips during the rains and is not used as a trade route at that time of the year. At other times of the year the river is fordable.

6. The project for the erection of a bridge prepared some years ago was postponed on account of lack of funds. Subsequently the possibility of a cart road has been under consideration. Should this possibility materialize it would be waste of time and money to build a bridge for a bridle path. At present, however, other more important schemes for the opening up of Kumaun are under preparation and the question of a cart road from Tanakpur cannot yet be taken up.

7. The route is as important a trade route as any in the district in the cold weather, when the Ladhya river is quite fordable, but of no importance as such in the rains. It has a certain strategical importance which, however, is not very great at the present day.

Answer with reference to question No. 16 asked by PANDIT BRIJNANDAN PRASAD MISRA *at the Council meeting of the 30th March, 1922.*

The Hon'ble Pandit Jagat Narayan:

Demonstrator of Pathology.

Monday, Tuesday, Wednesday and Friday :—

1. Helps the lecturer in his demonstration to 3rd year students in batches, 8.30 a.m. to 9.30 a.m.

2. Demonstrations to 4th year students in batches, 9.30 a.m. to 11 a.m.

3. Routine Laboratory work, 11 a.m. to 12 noon.

On Thursdays and Saturdays the demonstrator helps the lecturer in his demonstration to 4th year students from 2 p.m. to 4 p.m. In addition to the work detailed above, about two to three hours daily are taken up in the preparation of specimens, etc., for the various classes of demonstrations. The demonstrator also helps in post mortem examinations and in the examination of material sent by the physicians and surgeons for report.

Demonstrator of Physiology.

1. Daily 11 a.m. to 12 noon. Makes arrangements for the practical classes.

2. Monday, Tuesday, Thursday and Friday :—

Assists the lecturer in conducting the practical classes and making arrangements, 2.30 p.m. to 4 p.m.

The nemonstrator is also employed daily from 8 a.m. to 11 a.m. in the Medical Outpatient department. From next year his work will be increased owing to the institution of additional classes for 1st and 2nd year students.

The Demonstrator of Pathology has been drawing an allowance at the rate of Rs. 20 a month from the 7th September, 1920, and the Demonstrator of Physiology a similar allowance from the 20th September, 1920.

Pandit Brij Nandan Prasad Misra: Are these allowances still continued ?

The Hon'ble Pandit Jagat Narayan: I want further notice.

Answer with reference to question No. 22 asked by* RAI SITA RAM SAHIB *at the Council meeting of the 31st March, 1922.*

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) The information is laid on the table. There are no non-official visitors of district jails. Babu Gendan Lal, M.L.C., was the only non-official visitor who visited jail during February, 1922, and a copy of his remarks is laid on the table.

(*b*) Yes.

Pandit Gokaran Nath Misra: Will the Hon'ble the Home Member be pleased to give us information as to why the recommendations of the Indian Jails Committee, which recommended the appointment of the non-official visitors to District Jails, has not been given effect to so far as the District Jails of these provinces are concerned?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: It is being done.

Rai Sita Ram Sahib: Will the Government be pleased to state what action has been taken on the remarks of Babu Gendan Lal, where it is said that kneading was being done by the prisoners with their feet?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The practice has been stopped.

List of non-official visitors appointed to the Central Prisons in the United Provinces.

Bareilly Central Prison.

1. M. Muhammad Husain.
2. M. Akhtar Husain Khan.
3. K. B. Qazi Kutub-ud-din.
4. R. B. M. Bhim Singh.
5. Lala Sheo Pershad, M.B.E.
6. Raja Kali Charan Misra.

Agra Central Prison.

1. Nawab Haji Muhammad Ismail Khan.
2. Saiyid Al-i-Nabi.
3. Rai Madan Lal Bahadur.
4. Rai Durga Prasad Bahadur.
5. Munshi Amba Prasad.
6. Reverend Father Hyacinth.

Allahabad Central Prison.

1. Nawabzada Muhammad Yusuf, M.L.C., Bar.-at-Law (South Road, Allahabad).
2. Saiyid Muhammad Isa.
3. Dr. C. A. R. Janvier (Principal, Ewing Christian College, Allahabad).
4. L. Sheo Charan Lal, B.A., LL.B., M.L.C. (Rais, Allahabad).
5. M. Narain Prasad Ashthana, M.A., LL.B., M.L.C. (Rais, Vakil, High Court, George Town, Allahabad).
6. Rai Bahadur Pandit Raj Nath Sahib (20, Kachahri Road, Allahabad).

Fatehgarh Central Prison.

1. Lieutenant Raja Durga Narain Singh of Tirwa.
2. Babu Gendan Lal, B.A., M.L.C.
3. M. Ata-at-mand Khan, Mujibee, M.L.C.
4. M. Ashiq Ali Khan, Khan Bahadur.
5. Babu Pirthi Nath, Honorary Munsif.
6. Captain Moin-ud-din Khan, C.I.E.

Benares Central Prison.

1. Dr. Ganesh Prasad Bhargava.
2. Rai Ravinandan Prasad Bahadur, M.L.C.
3. Rai Sahib Goshain Rampuri.
4. Mahadeo Prasad, M.A., LL.B.
5. Maulvi Adul Alim.
6. M. Muhammad Abdul Wahid Khan.

Lucknow Central Prison.

1. Khan Bahadur Hakim Nazir Hasan Khan.
2. M. Muhammad Ehtisham Ali.
3. M. Murtaza Husain.
4. Pandit Sangam Lall.
5. Babu Triloki Nath Bhargava.
6. Pandit Jagpalkrishin.

List of non-official visitors specially appointed for the Political District Jails at Lucknow and Fyzabad, vide G. O. no. 515/VIII—26, dated the 8th March, 1922.

(Lucknow.)

1. Nawab Mirza Sadiq Ali Khan, M.L.C.
2. Lieut. Shaikh Shahid Husain, M.L.C.
3. Mirza Muhammad Sajjad Ali Khan, M.L.C.
4. Dr. Tandon.
5. Mr. A. P. Sen.
6. The Editor of the *Hamdam*, and
7. The Editor of the *Anand*.

(Fyzabad.)

1. Raja Sir Saiyid Abu Jafar, M.L.C.
2. Mr. K. P. Singh, M.L.C.
3. Thakur Hargobind Singh.
4. Pandit Parmeshwar Nath Sapru.

Copy of remarks by the non-official visitor, BABU GENDAN LAL, M.L.C., *at the time of his visit to Fatehgarh Central Prison.*

Visited this jail today. Went round the wards. I was struck with the cleanliness of the different wards and compounds. The latrines are clean, but in my opinion the partition walls are too low to secure privacy. I found that kneading was being done by the prisoners with their feet. To me it appears both objectionable and insanitary. It should be done with hands. Vegetables given are of the lowest quality.

Answer with reference to question No. 1 asked by* BABU CHHAIL BIHARI KAPUR *at the Council meeting of the 1st April, 1922.*

Rs.

The Hon'ble Sir Ludovic Porter: (*a*) Average income including Government land 84,726

Average expenditure 85,009

(*b*) No.

(*c*) Certain merchants and shopkeepers forwarded a petition protesting against the imposition of the tax. Their main contention was that they were already heavily over-taxed.

(*d*) Rupees 3,843.

(*e*) Does not arise.

Answer with reference to question No. 2 asked by* BABU CHHAIL BIHARI KAPUR *at the Council meeting of the 1st April, 1922.*

The Hon'ble Sir Ludovic Porter: (*a*) and (*b*). The honourable member is referred to rule 70 of Board's Circular 1—VII, as amended by correction slip No. 48 and to rule 57(*c*), Board's Circular 4—VII, as amended by correction slips Nos. 49 and 110, which contain the orders of Government on the subject. Enquiries show that in the Rohilkhand division kanungos act according to these instructions.

(*c*) Government do not consider it advisable to issue instructions as suggested by the honourable member. If landholders comply with the provisions of section 87(2) of the Tenancy Act, no delay can occur in the removal of the name of a tenant who has abandoned his holding, and the rules as they stand at present give security against possible fraud and prevent the institution of a large number of unfounded cases.

Rai Ravinandan Prasad Bahadur: Is it not a fact that the khatauni is incorrect unless it is properly amended ?

The Hon'ble Sir Ludovic Porter: It appears to be so.

Answer with reference to Council question No. 10 asked by* CHAUDHRI SHER SINGH *at the Council meeting of the 1st April, 1922.*

The Hon'ble Pandit Jagat Narayan: As a rule this road is impassable in the rainy season, the cause being the flooding of the Ban river which lies between Nurpur and Dhanaura. The district board, Bijnor, are arranging to have a boat there this year to enable passengers to cross the river and they have also asked the Public Works department to prepare an estimate for a permanent bridge.

Answer with reference to questions Nos. 14 and 15* asked by* RAI GOPAL DAS SHARMA SAHIB *at the Council meeting of the 1st April, 1922.*

14. **The Hon'ble Pandit Jagat Narayan**: Including those begun in the previous year, the following 28 borings were in hand in 1921-22 of which 15 were completed :—

Municipal borings	...	...	... 8
Provincial borings	...	...	... 18
Private borings	...	...	... 2

15. **The Hon'ble Pandit Jagat Narayan**: The establishment charges during the year are estimated at Rs. 47,000. No fees are charged for provincial works or for advice to local bodies. A sum of Rs. 20,100 was received in fees from municipalities and private owners.

Rai Gopal Das Sharma Sahib: Will the Government be pleased to state the names of persons who got the aid of the Government?

The Hon'ble Pandit Jagat Narayan: I ask for notice.

Rai Gopal Das Sharma Sahib: What was the amount charged from private individuals?

The Hon'ble Pandit Jagat Narayan: I ask for notice.

Answer with reference to question No. 202 *asked by* RAI GOPAL DAS SHARMA SAHIB *at the meeting of the* 18*th February*, 1922.

Mr. H. S. Crosthwaite: The main functions of a Commissioner of a division are as follows:—

(1) To supervise generally all branches of the administration within his division and in particular to pass necessary orders and submit a report to the Government on all important occurrences within his division which are of political or of administrative importance.

(2) To discharge the duties imposed on the Commissioner under the United Provinces Land Revenue Act, 1901, or under any other law for the time being in force, and to exercise authority over all the revenue officers in his division (section 12 of the United Provinces Land Revenue Act, 1901).

(3) In his judicial capacity to hear rent and revenue appeals and to call, if necessary, for the record of any revenue or rent case decided by an officer subordinate to him (sections 210, 212 and 218, Land Revenue Act; section 179, United Provinces Tenancy Act, 1901; and section 116, Agra Rent Act, 1886).

(4) To supervise, in accordance with the Board's Circular 29—IX, the inspection by District Officers of their offices and subordinate offices and to see that District Officers are carrying out the rules laid down by the Board of Revenue.

(5) To control the administration of the court of wards by the Collectors in his division.

(6) To carry out the duties imposed on the Commissioner under the United Provinces District Boards Act, 1906.

(7) To carry out the duties imposed on the Commissioner under the United Provinces Municipalities Act, 1916.

(8) To advise Government as to appeals against acquittals.

Answer with reference to question No. 17 *asked by* RAI VIKRAMAJIT SINGH BAHADUR, *at the Council meeting of the* 21*st March*, 1921.

Mr. A. B. Reid:

Indian Agricultural Service.

Name.	Post.	Salary.	Length of service up to 31st December, 1920 (from History of Gazetted Officers' Services).	Remarks.
		Rs.	Y. M.	
Mr. H. M. Leake, SC.D., F.L.S.	Director of Agriculture	2,000	16 1	
Mr. G. Clarke, F.I.C., F.C.S.	Principal, Agricultural College and Agricultural Chemist.	1,400	13 11	Now officiating as Director and drawing Rs. 2,000 per mensem.
Dr. H. E. Annett, D.SC. (London), F.I.C., M.S., E.A.C.	Agricultural Chemist on special duty in connection with opium research work.	1,150	13 8	
Mr. W. Youngman, B.SC.	Economic Botanist to Government, United Provinces.	800	10 5	
Dr. A. E. Parr, B.SC., PH.D., M.A., and M.S. in Agriculture.	Deputy Director of Agriculture, Western Circle.	1,150	13 2	
Mr. B. C. Burt, B.SC. (London), F.C.S.	Deputy Director of Agriculture, Central Circle.	1,200	13 0	
Mr. W. N. Harvey, M.S., E.A.C.	Deputy Director of Agriculture, North-Eastern Circle.	750	6 1	
Mr. T. R. Low, B.SC. (Agriculture).	Deputy Director of Agriculture.	600	0 1	
Mr. C. H. Parr, B.SC. (Agriculture).	Deputy Director of Cattle Breeding.	550	1 0	
R. B. L. C. Sharma, M.R.A.C., F.A.S.I., Barat-Law.	Deputy Director of Agriculture, Eastern Circle.	800	9 5	
Mr. P. K. Dey, B.SC. (Natural Science).	Plant Pathologist ...	500	0 10	
Dr. Thakur Mahadeo Singh, M.SC., Oregon, U.S.A.	Assistant Agricultural Chemist to Government, United Provinces.	350	0 3	

United Provinces Agricultural Service.

Name.	Post.	Salary.	Length of service up to 31st December, 1920.	Remarks.
		Rs.	Y. M.	
R. S. Ganga Prasada ...	Divisional Superintendent, Western Circle.	325	28 8	Passed old Agricultural School Examination.
Pandit Nand Kishore Sharma, Rai Sahib.	Divisional Superintendent, Central Circle.	325	20 6	Ditto.
Babu Deoki Nandan, B.A., M.R.A.C., M.R.A.S., F.R.H.S.	Divisional Superintendent, Eastern Circle.	300	4 1	

Subordinate Agricultural Service.

Serial no.	Name.	Length of service up to 28th February, 1921.	Remarks.
	1st grade, Rs. 240.		
1	M. Naib Husain, Khan Sahib ...	18 years.	
2	Mr. Sarish Chandra Banerji ...	14 ,, ...	Offg. as Assistant Agricultural Chemist to Government, United Provinces.
	2nd grade, Rs. 215.		
1	B. Brij Lal	22 years.	
2	B. Harbhajan Lal	18 ,,	
3	M. Mohiuddin Ahmad	16 ,,	
4	Hira Singh	16 ,,	
	3rd grade, Rs. 190.		
1	Ch. Hari Ram Singh I	20 years ...	On deputation to the Benares University up to the 31st March, 1921.
2	M. Amir Hassan Khan... ...	16 ,,	
3	B. Jyoti Prasada	15 ,,	
4	B. Ganga Sahai	16 ,,	
	4th grade, Rs. 165.		
1	B. Ram Prasada	20 years ...	Offg. as Assistant Economic Botanist to Government, United Provinces.
2	B. Jagannath Prasada	13 ,,	
3	B. Hari Ram II	14 ,,	
4	Mr. E. S. David	16 ,,	
5	B. Mata Prasada	18 ,,	
6	B. Uma Shankar	15 ,,	
7	A. R. Prabhakar	14 ,,	
8	B. Bhagwati Prasada	16 ,, ...	Sub. pro. tem.
	5th grade, Rs. 140.		
1	B. Shiam Lal	15 years.	
2	B. Ganga Prasada	12 ,,	
3	M. Badrul Hasan	20 ,,	
4	B. Panna Lal	12 ,,	
5	Prem Shankar	10 ,,	
6	Suraj Bali	11 ,,	
7	M. Nihal Ahmad	14 ,,	
8	B. Mahabir Prasada	10 ,,	
9	M. Zia-ud-din Hyder	21 ,, ...	On deputation to Bhopal State (sub. pro tem.).
10	B. Lakshmi Shankar Nigam ...	10 ,,	
11	M. Nizamuddin Hyder	14 ,,	
	6th grade, Rs. 110.		
1	M. Munzur Ahmad	10 years.	
2	B. Puttu Lal II	9 ,,	
3	B. Budhi Lal	9 ,,	
4	B. Nand Kishore Srivastava	9 ,,	
5	M. Sirajul Hasan	12 ,,	

Serial no.	Name.	Length of service up to 28th February, 1921.	Remarks.
	6th grade, Rs. 110—(*concld.*).		
6	M Muhammad Baqa	16 years.	
7	B. Gopal Saran	8 ,,	
8	M. Wali Muhammad Khan ...	8 ,,	
9	M. Kabir Khan	30 ,,	
10	Subedar Hari Ram Singh ...	9 ,,	
11	P. Bala Prasada	6 ,,	
12	B Khiali Ram	6 ,, ...	Sub pro tem.
13	B. Sarju Prasada	7 ,, ...	Ditto.
	7th grade, Rs. 90.		
1	M. Ali Akbar	16 years.	
2	M. Afzal Husain	8 ,,	
3	B. Baijanti Prasada	3 ,,	
4	B. Rasdeo Sahai	3 ,,	
5	B. Parshotam Das	5 ,,	
6	B. Bisheshwar Dayal	5 ,,	
7	B. Harihar Singh	5 ,,	
8	B Pramatma Singh	2 ,, ...	On probation.
9	B. Kailash Nath	3 ,, ...	Ditto.
10	M. Nur Ahmad Khan	19 ,, ...	Ditto.
11	B Puttu Lal	15 ,,	
12	B. badri Narain Singh	6 months ...	Sub pro tem.
13	B. Narain Singh	6 ,, ...	On probation.
14	B. Shyam Sundar Lal	6 ,, ...	Sub. pro tem.
15	B. Saran Bihari Lal	6 ,, ...	Ditto.
16	B. Ram Saran	6 ,, ...	On probation.
17	Brij Bahadur	6 ,, ...	Ditto.
18	M. Imam Ahmad	4 years ...	Sub. pro tem.
19	B. Shripat Rai	7 days ...	On probation from the 22nd February, 1921.
	8th grade, Rs. 70.		
1	B. Lalta Prasada	5 years.	
2	M. Abid Husain	17 ,,	
3	M. Muhammad Ibrahim	4 ,,	
4	B. Dwarka Prasada ...	11 ,,	
5	B. Sri Ram	4 ,,	
6	B. Bhup Singh	4 ,,	
7	B. Reoti Singh	4 ,,	
8	M. Nawab Husain	3 ,, ...	On probation.
9	B. Baljit Singh	5 ,, ...	Ditto.
10	B. Vasdeo Singh	2 ,, ...	On probation.
11	Th. Sultan Singh	3 ,, ...	Ditto.
12	B. Sher Singh	3 ,, ...	Ditto.
13	B. Darshan Singh	3 ,, ...	Ditto.
14	B. Shahzad Singh	3 ,, ...	On deputation to Mesopotamia from the 6th October, 1920.
15	B. Bansi Dhar	2 ,, ...	On probation.
16	M. Salamat Ullah Khan	2 ,, ...	Ditto.
17	B. Parmanand	4 ,, ...	Ditto
18	B. Baldeo Singh	2 ,, ...	Ditto.
19	B. Puttu Lal Katyar	2 ,, ...	Ditto.

Serial no.	Name.	Length of service up to 28th February, 1921.	Remarks.
	9th grade, Rs. 50.		
1	M. Sibte Istifa	2 years ...	On probation.
2	P. Sri Bhagat	2 ,, ...	Ditto.
3	B Shyam Sundar	2 ,, ...	
4	B. Sanjai Singh	2 ,, ...	On probation.
5	B. Madan Mohan	2 ,, ...	Ditto.
6	B. Dwarka Prasada	20 ,, ...	On probation from the 19th December, 1900.
7	M. Karamat Ali	7 ,, ...	On probation.
8	B. Ram Sarup Singh	6 months...	Ditto.
9	M Bashir Khan	6 ,, ...	Ditto.
10	B. Puttu Lal III	6 ,, ...	Ditto.
11	B. Abhay Singh	6 ,, ...	Ditto.
12	B. Risal Singh	6 ,, ...	Ditto.
13	B. Qabul Singh	6 ,, ...	Ditto.
14	B. Vishnu Dayal	6 ,, ...	Ditto.
15	B Raj Bahadur	6 ,, ...	Ditto.
16	M. Muhammad Abdul Ghani ...	6 ,, ...	Ditto.
17	B. Ram Chandra Singh ...	6 ,, ...	Ditto.
18	M. Sultan Ahmad ...	6 ,, ...	Ditto.
19	B. Bijai Singh	3 years ...	Ditto.
20	B Bindeshwari Singh	8 ,, ...	Ditto.
21	B. Phul Singh ...	10 months ...	Ditto.
22	Mr. G. C. Bose	2 ,, ...	Ditto. Temporary.
23	B. Jagmohan Lal	2 ,, ...	Ditto. Ditto.
24	B. Mahabir Singh	2 ,, ...	Ditto.
25	B. Ganpat Rai	2 ,, ...	Ditto.

All have either passed the examination of Agricultural College or school except the following :—

1. Mr. Sarish Chandra Banarji ... ... F.C.S.
2. B. Ram Prasada ... ... Passed no examination.
3. M. Zia-ud-din Hyder ... ... Received practical training in Pusa.
4. M. Nizam-ud-din Hyder ... ... Ditto ditto.
5. M. Sirajul Hasan ... ... Passed the Technical class Examination, Roorkee.
6. M. Muhammad Baqa ... ... Passed Entrance.
7. M. Kabir Khan ... ... Passed no examination.
8. Subedar Hari Ram Singh ... ... Ditto.
9. M. Ali Akbar ... ... Ditto.
10. M. Nur Ahmad Khan ... ... Ditto.
11. B. Dwarka Prasada ... ... Ditto.
12. B. Bindeshwari Singh ... ... Ditto.
13. B. Phul Singh ... ... Ditto.
14. Mr. G. C. Bose ... ... Ditto.

Answer with reference to question No. 18 *asked by* RAI VIKRAMAJIT SINGH BAHADUR *at the Council meeting of the* 21*st March*, 1921.

Mr. A. B. Reid :—

Statement showing the number of students who passed out from the Agricultural College, Cawnpore, during the last six years.

Year.	No.	Name.	Qualifications.	Where employed.	Pay.
		Diploma Course (3 years).			
1915	1	G. C. Jones ...	Elementary Cetificated Scholarship Examination.	Tea estate.	Rs.
	2	Lalta Prasada Verma	Matric, II Division	Member, S. A. S.	70
	3	Piare Lal Garg ..	Matriculation ...	Professor of Agriculture (Rs. 140—10—240).	160
	4	Raghunandan Prasada Tewari.	Ditto ...	State service.	
1916	1	Baljit Singh ...	Passed IX Class ...	Member, S. A. S.	70
	2	Benarsi Das ...	Matriculation	Ditto ...	Died.
	3	Bisheshwar Dayal ...	Ditto ...	Ditto ...	90
	4	Chandra Shekhar Misra.	Failed Matric. ..	Kanungo	
	5	Deo Narain ...	Matriculation ...	Ditto.	
	6	Dewari Lal ...	Ditto ...	Ditto.	
	7	Muhammad Mohsin ...	S. L. C. ...	Managing own land.	
	8	Purshotam Dass ...	Matriculation ...	Member, S. A. S.	90
	9	Satish Chandra ...	Failed Matric. ...	Ditto ..	No longer in the department.
	10	Saiyid Muhammad Hasan.	Matriculation ...	Managing own land.	
	11	Sudhir Kamar Mukerji	Ditto ...	Unknown.	
1917		No examination.			
		Diploma Course (4 years).			
1918	1	bu Ram ...	Matriculation ...	Forest department.	
	2	Baijanti Prasada ..	S. L. C. ...	Member, S. A. S.	90
	3	Basdeo Sahai ...	Matriculation ...	Ditto ...	90
	4	Gur Prasada ...	Ditto ...	State service.	
	5	Kailash Nath ...	S. L. C. ...	Member, S. A. S.	90
	6	Mahadeo Prasada ...	Matriculation ..	Left for service in Begg, Sutherland's Sugar Estates.	
	7	Kh. Nafees Hasan ..	Ditto ...	Lecturer in agriculture, Agricultural College, Cawnpore (Rs. 140—10—240).	150
	8	Nanank Chand ..	Read up to Entrance Class.	Teaching in High School.	
	9	Wasiullah Khan ..	Matriculation ...	Member, S. A. S.	
1919	1	Badri Prasada Goyal	Ditto ...	Managing own land.	
	2	Bakhtawar Singh ..	S. L. C. ...	Various business, e.g., Chem teaching, Motor service Proprietor, etc.	

Year.	No.	Name.	Qualifications.	Where employed.	Pay.
		Diploma Course (4 years)—(concluded).			Rs.
1919	3	Hardayal Singh ...	Matriculation ...	Sugar Bureau, Pusa.	
	4	Hari Har Singh ...	Matriculation ...	Member, S. A. S.	90
	5	Vijai Bahadur Singh	Ditto ...	Teaching Agriculture in Colvin Taluqdars' School, Lucknow.	
1920	6	Parmatma Singh ...	Ditto ...	Member, S. A. S.	90
	1	Badri Narain Singh ...	S. L. C. ...	Ditto ...	90
	2	Brij Bahadur Khare	Matriculation ...	Ditto ...	90
	3	Brij Mohan Lal ...	Failed Matric. ...	Owns an oil mill.	
	4	Desai Balwant Rai ...	Ditto ...	Probably proceeding to English Agricultural College.	
	5	Hari Dhanji Mukati	English Middle Examination.	State service.	
	6	Narain Singh ...	Matriculation ...	Member, S. A. S.	90
	7	Sharan Bihari Lal ...	Ditto ...	Ditto ...	90
	8	Sripat Rai ...	Failed Matric. ...	Ditto ...	90
	9	Shyam Sundar Lal ...	S. L. C. ...	Ditto ...	90
	10	Ram Saran ...	Matriculation ...	Ditto ...	90
		Vernacular Course (2 years).			
1915		No examination.			
1916	1	Anant Prasada ...	7th Standard ...	Fieldman ...	40
	2	Dwarka Prasada ...	Read up to English Middle.	Member, S. A. S.	70
	3	S. Imam Ahmad ...	Ditto ...	Ditto ...	80
	4	Jagdish Prasada ...	7th Class, Vernacular.	Unknown.	
	5	Lakshmi Narain ...	Read up to Matric.	State service.	
	6	Madan Mohan ...	Vernacular Final Examination.	Member, S. A. S.	50
	7	Mahabir Singh ...	Ditto ...	Fieldman, United Provinces Agricultural Service.	
	8	Muhammad Ibrahim Khan.	Read up to Vernacular Final.	Kanungo.	
	9	Muhammad Hadi ...	Read up to S.L.C.	Member, S. A. S.	No longer in the department.
	10	Muhammad Ilyas Khan.	Read up to Urdu Middle.	Assistant Manager, Co-operative Bank.	
	11	Moizuddin ...	6th Class, English ...	Managing own land.	
	12	Parmanand ...	8th ditto	Member, S. A. S.	70
	13	Ram Kumar Tewari ...	Vernacular Final Examination.	Appointed to Co-operative Banks and dismissed.	
	14	Ram Sarup Bajpai ...	Ditto ...	Military service.	
	15	Reoti Singh ...	8th Class, English ...	Member, S. A. S.	70
	16	Salamatullah Khan ...	Read up to Matric.	Ditto ...	70
	17	Saiyid Ali Shakir ...	8th Class, English ...	Kanungo.	
	18	Saiyid Ali Sabir ...	Ditto ...	Ditto.	
1917	1	Atma Nand ...	Failed Matric. ...	Co-operative Credit Societies.	

Year.	No.	Name	Qualifications.	Where employed.	Pay.
		Vernacular Course (2 years)—*(continued).*			Rs.
1917	2	Baij Nath ...	7th Standard ...	Probably working a glass factory.	
	3	Bhup Singh ...	Vernacular Final Examination.	Member, S. A. S.	70
	4	Ganpat Rao ...	9th Standard ...	Fieldman (S. A. S.)	
	5	Gopi Lal ...	Ditto ...	Member, S. A. S	No longer in the department.
	6	Kedar Nath ...	Vernacular Final Examination.	In Taluqdari service	
	7	Muhammad Ibrahim Khan.	9th Standard ..	Member, S.A.S.	70
	8	Muzaffar Husain ...	Prepared for Matric.	Managing own land	
	9	Nasir Ali ...	Read privately ...	State service	
	10	Nawab Husain ...	Failed S.L.C. ...	Member, S.A.S....	70
	11	Prem Narain ...	Vernacular Final Examination.	Fieldman, United Provinces Agricultural Service.	
	12	Sahibzada Fakhr Alam	7th Class ...	State service.	
	13	Sarswati Prasada ...	Failed Matric. ...	Managing own land.	
	14	Shri Ram Singh ...	5th Standard ...	Member, S.A.S.	70
	15	Sultan Singh ...	9th Standard ...	Ditto ...	70
1918	1	Abdul Hakim ...	7th Class, English	In Fieldmen's Service. Fieldman	
	2	Ahmad Said Khan ...	Read English privately.	Managing own land.	
	3	Ajodhia Prasada ...	Vernacular Final Examination.	Fieldmen's Service	
	4	Thakur Baijnath Singh	Ditto ...	Unknown.	
	5	Bansi Dhar ...	Matriculation ...	Member, S.A.S.	70
	6	Beni Krishna ...	7th Standard ...	Unknown	
	7	Bijai Singh ...	Knows Hindi ...	Member, S.A.S....	50
	8	Banwari Dass ...	English Middle	State service.	
	9	Darshan Singh ...	Vernacular Final Examination.	Member, S.A.S.	70
	10	Hardeo Prasada ...	Ditto ...	Ditto	
	11	Karan Singh ...	Knows Hindi and English.	Court of Wards.	
	12	Mangal Singh ...	Vernacular Final Examination.	Fieldman.	
	13	Mathura Prasada ...	Read up to Matric.	Kanungo	
	14	Shahzad Singh ...	Failed S. L. C. ...	Member, S.A.S....	70
	15	Sher Singh ...	Read up to 7th ...	Ditto ...	70
	16	Sheonath Pradhan	,, ,, 9th ...	Kanungo.	
	17	Ganpatsa Rathia ...	Middle English ...	State service.	
	18	Narain Rao Joshi ...	Failed Matric. ...	Ditto.	
1919	1	Anokhey Lal ...	Vernacular Final Examination.	Probably managing own land.	
	2	Baldeo Singh ...	9th Standard ...	Unknown	
	3	Brij Lal Vaish ...	Read up to 7th ...	Fieldman, Hindu University Farm, Benares.	
	4	Jeoti Prasada ...	6th Class, English	Probably managing own land.	
	5	Kalka Prasada ...	Vernacular Final Examination.	Fieldman, United Provinces Agricultural Service.	

Year.	No.	Name.	Qualifications.	Where employed.	Pay.
		Vernacular Course (2 years)—*(concluded.)*			Rs.
1919	6	Ram Bahadur Singh	Read up to 8th	State service	
	7	Muhammad Yunis ...	Ditto ...	Unemployed.	
	8	Narain Datta ...	Read up to S. L. C.	Probably managing own land.	
	9	Puttu Lal ...	Failed S. L. C. ...	Fieldman, United Provinces Agricultural Service.	
	10	Ram Saran ...	Vernacular Final Examination.	Unemployed, but has been managing own land.	
	11	Sanjai Singh ...	Ditto ...	Member, S.A.S. ..	50
	12	Shri Bhagwat ...	Read up to 9th ...	Ditto ...	50
	13	Shyam Lal Nagar ...	English Middle ...	State service.	
	14	Shyam Sundar Mathur	Anglo-Vernacular Middle.	Member, S.A.S.	50
	15	Sibte Istifa ...	Read up to Matric.	Agricultural department, Orai.	50
	16	Tej Raj Bhandari ...	Read up to Middle Examination.	State service.	
	17	Magan Lal ..	Matric. Test ...	Ditto.	
1920	1	Abhey Singh ...	Read up to 9th ...	Member, S.A.S. ..	50
	2	Altaf Husain ..	,, ,, 8th ...	Ditto ...	Not joined S.A.S.
	3	Bashir Khan ...	,, ,, 8th ...	Ditto ...	50
	4	Bhim Singh ...	Read privately ..	State service.	
	5	Chandrapal Singh ...	Read up to Vernacular Final.	Ditto.	
	6	Lala Dampat Prasada	Read up to Matric.	Ditto ...	Now continuing his studies in Diploma Course.
	7	Kr. Ganga Singh ...	,, ,, 8th ...	Ditto.	
	8	Kr. Mardan Singh ...	,, ,, 9th ...	Ditto.	
	9	L. Mohan Lal ...	,, ,, Middle	Ditto.	
	10	Muhammad Abdul Ghani.	Senior Local Examination.	Member, S.A.S....	50
	11	Puttu Lal ...	Read up to 9th ..	Ditto ...	50
	12	Qabul Singh ...	,, ,, 5th ...	Ditto ...	50
	13	Raj Bahadur ...	Vernacular Final Examination.	Ditto ...	50
	14	Ram Chandra ...	Read up to Matric.	Ditto ...	50
	15	Ram Dass Singh ..	,, ,, 8th ...	Estat ..	Now continuing his studies in Diploma Course.
	16	Ram Sarup Singh ...	Final Vernacular Examination.	Member, S.A.S....	50
	17	Risal Singh ...	Read up to 9th ...	Ditto ...	50
	18	Sh. Sultan Ahmad ...	,, ,, 8th ...	Ditto ...	50
	19	Vishnu Dayal ...	Failed S.L.C. ...	D to ...	50

Summary of employments of the students who passed out from the Agricultural College, Cawnpore, during the last six years.

Number of students passed out.	Government service.	State service.	Private service.	Managing own land	Miscellaneous	Unknown.
			Diploma Course.			
40	26	3	4	3	3	1
			Vernacular Course.			
87	49	15	5	8	6	4

Answer with reference to question No. 10 *asked at the Council meeting of the 6th April,* 1921, *by* MAHANT PARMANAND GIR.

The Hon'ble Sir Ludovic Porter: (i) The left bank of the Fatehpur branch, Lower Ganges canal, was cut at mile 29-5 on the night of the 4th June, 1920, when there was a strong demand for cotton and fodder crop.

(ii) Not only the two persons mentioned by the honourable member, but nine others were also prosecuted, on the evidence of the cultivators of Deomai village.

(iii) As an old enmity was proved between the accused and the cultivators who gave evidence against them, the trying magistrate gave the accused the benefit of the doubt and discharged them.

(iv) Yes.

(v) The Executive Engineer acted on the report of the sub-divisional officer, and on deductions which he drew after an inspection of the cut bank.

(vi) Yes.

(vii) No coercive measures have yet been adopted by the district authorities for the recovery of the punitive rates, which are liable to the same rules as arrears of land revenue if not paid.

The imposition of these rates is in accordance with canal law and it was exactly with a view to meet cases where evidence is withheld that provision was made in the law for the imposition of punitive rates. The Irrigation department staff is so small that it is next to impossible for it to detect cultivators in the actual commission of offences. Without this deterrent, it would be impossible to check illegal practices which entail hardships on many innocent cultivators to say nothing of loss of revenue to the department. The canal has to be closed for some time to repair the breach and in the meanwhile, at a time of strong demand for canal water irrigation is lost and, what is worse, cultivators below the site of the breach cannot get water through the illegal action of those above them.

Answer with reference to question No. 51 *asked by* RAI JODH SINGH B. NEGI BAHADUR *at the Council meeting of the 8th August,* 1921.

Mr. H. S. Crosthwaite: It is understood that the cart-road from Majkhali into the Airadeo forest is the cart-road to which the honourable

member refers. This cart-road was originally constructed as far as a place named Bansurikhet in 1893 at a cost of Rs. 7,488. In the years 1906 to 1909, it was extended from Bansurikhet to a place called Paya Khan at a cost of Rs. 3,196. The road has not been abandoned and is still used to facilitate extraction of forest produce from the Airadeo forest.

Answer with reference to question No. 55 *asked by* RAI JODH SINGH B. NEGI BAHADUR *Council at the meeting held on 8th August,* 1921.

Kunwar Jagdish Prasad: Government are aware that repairs to primary school buildings used formerly, to some extent, to be done by *utar* labour and that the abolition of *utar* has thus increased the financial liabilities of the district boards in Kumaun. Non-recurring grants have now been made to all the Kumaun district boards to assist them in affecting such repairs, but Government cannot promise that these grants will be repeated in future years.

Answer with reference to question No. 10 *(listed for the 10th August,* 1921) *asked by* BABU GUR SAHAI *at the Council meeting held on 9th August,* 1921.

Mr. G. B. Lambert: (*a*) The following persons were served with notices under section 144, Criminal Procedure Code, in the Bijnor district during the year 1921:—

1. Soti Jagdish Dut of Bijnor.
2. Musammat Satyavati Devi.
3. M. Bashir Ahmad of Seohara.
4. Pandit Jawahir Lal Nehru of Allahabad.
5. Pandit Kapil Deo Malaviya of Allahabad.
6. Ramrichpal of Budaun.
7. Chandulal of Sirsi, Moradabad.
8. Mahabir Tiagi of Ratangarh.

(*b*) The answer is in the negative except possibly as regards one person on whom a notice was served as he came from another district with intent to excite local feeling in connection with a pending political trial.

Answer with reference to question No. 12 *(listed for the 10th August,* 1921) *asked by* BABU GUR SAHAI *at the Council meeting of 9th August,* 1921.

Mr. G. B. Lambert: Since February, 1921, twelve licences for fire-arms have been cancelled in the Bareilly district.

The holders' names and reasons for cancellation are as under:—

	Names.	*Reasons.*
1.	Musammat Radha Kunwar, widow of Rai Roshan Lal.	Because she lost the gun.
2.	M. Zawar Husain Khan and M. Akhtar Husain Khan.	On applicants' request.
3.	Babu Rajendra Prasad, station-master.	For cowardice in connection with a dakaiti at his station.
4.	Malik Muhammad Shahzad Walikhan.	On account of family quarrels.

5.	Bhura Khan, zamindar ...	Because he had spent all his property on a Nat prostitute and lived in close association with her brother, a notorious malefactor.
6.	Chaudhari Jai Narain ...	On account of the active part he was taking in movement for the subversion of the Government established by law.
7.	Pandit Dwarka Pershad ...	Ditto.
8.	B. Lakshmi Ballabh ...	Ditto.
9.	M. Muhammad Safiullah Khan	Ditto.
10.	Thakur Pirthiraj Singh ...	Ditto.
11.	S. Abdul Wadud ...	Ditto.
12.	Thakur Bilas Singh ...	Ditto.

Answer with reference to question No. 37 (*listed for the* 10*th August*, 1921) *asked by* PANDIT BRIJNANDAN PRASAD MISRA *at the Council meeting of the* 9*th August*, 1921.

Mr. H. S. Crosthwaite:

	Rs.
Remissions	42,382
Suspensions	4,02,849

Answer with reference to question No. 38 (*listed for the* 10*th August*, 1921) *asked by* PANDIT BRIJNANDAN PRASAD MISRA *at the Council meeting of the* 9*th August*, 1921.

Mr. S. H. Crosthwaite: To compile figures for each district would involve a great deal of labour. The total issues for the whole province in London Proof gallons were—

For the quarter ending	30th September, 1920 ...	... 241,877
Ditto	31st December, 1920 ...	... 280,432
Ditto	31st March, 1921 ...	... 253,452
Ditto	30th June, 1921 ...	... 130,530

Answer with reference to question No. 39 (*listed for the* 10*th August*, 1921) *asked by* PANDIT BRIJNANDAN PRASAD MISRA *at the Council meeting of the* 9*th August*, 1921.

Mr. H. S. Crosthwaite:

		Rs.
For the half year ending	30th June, 1920	... 65,17,181
Ditto	30th June, 1921	... 40,85,321

Answer with reference to question No. 41 (*listed for* 10*th August*, 1921) *asked by* PANDIT BRIJNANDAN PRASAD MISRA *at the Council meeting of the* 9*th August*, 1921.

Mr. L. S. White: Official reports are supplied by the Superintendent, Government Press, direct (and not through the District Magistrate) to those members of the Legislative Council who have asked for them.

Answer with reference to question No. 21 *asked by* LIEUT. RAJA HUKM TEJ PRATAP SINGH, *at the Council meeting of 2nd December*, 1921.

The Hon'ble Sir Ludovic Porter: In the Irrigation Branch, only about half the number of patrols and amins, who are responsible for the preparation of irrigation records, know Hindi, and they are scattered about the different divisions.

The preparation of jamabandis in both Hindi and Urdu would double their work, which is already very heavy, and would necessitate considerable extra staff which, in the present state of financial conditions, is not desirable.

Answer with reference to question No. 19 *asked by* RAJA KALI CHARAN MISRA *at the Council meeting held on the 5th December*, 1921.

The Hon'ble Sir Ludovic Porter: (*a*) The qualifications demanded of a ziladar are annexed.

(*b*) In view of these qualifications Government does not consider a competitive examination necessary or desirable.

Qualifications for appointment to the post of ziladar.

I.—The ziladar establishment shall be recruited from the following sources:—

(1) Sub-overseers of the permanent irrigation establishment.
(2) Amins of the permanent irrigation establishment.
(3) Other members of the permanent irrigation establishment.
(4) Outsiders.

Candidates must have passed the examination laid down in rule I of qualification, etc., of article 1 of this Manual as amended by standing orders Nos. 74, 82, and 204, dated the 30th August and 11th December, 1909, and the 2nd September, 1914, respectively.

II.—Superintending Engineers should submit annually on the 1st June a return in Irrigation branch form No. 109 of employees recommended for transfer to ziladar establishment. When submitting this return Superintending Engineers should certify that they have personally examined the employees recommended and that the result of such examination has been satisfactory. Recommendations must be confined to men who are in every respect likely to do well in charge of a revenue section and, as a rule, to those who are sub-overseers or amins of the permanent irrigation establishment.

III.—The recommendations of sub-overseers must be confined to men who have had not more than ten years' permanent service as a sub-overseer. Before being accepted as candidates for transfer to the revenue establishment, they must have passed a practical examination in the work of an amin, including the measurement of a village and preparation of the irrigation *parchas*, demand statements, etc.

IV.—Amins, before being accepted as candidates, must be able to take discharge of running channels with fair accuracy to observe the head on outlets, to calculate readily the discharge of outlets from the observed head as also the corresponding volume per diem in "foot acres." The examination will be held by an executive engineer, who will grant a certificate in form A which must accompany the recommendation.

V.—Other members of the permanent establishment must pass the examination laid down for amins in article 4A as introduced by standing order No. 244, dated the 2nd October, 1915.

VI.—The selection of persons other than members of the permanent establishment will be made by Superintending Engineers, recommendations for whom should be submitted separately in the form of special reports, full information being given regarding each such person and the reason for his special selection. The candidates must be of respectable family and position, preferably belonging to the agricultural class, of good character and active habits and between the age of 20 and 25 years. They must have passed the examination mentioned in paragraph 1, but candidates with higher educational qualifications will be given preference over others who have only passed the prescribed examination. A list of approved candidates for appointment as special amins will be maintained in the Chief Engineer's office, in which the names of those candidates who are approved by the Chief Engineer on Superintending Engineer's recommendations will be registered. Before submitting their recommendations to the Chief Engineer for registration of a candidate's name, Superintending Engineers should see that the candidate is suitable in all respects. The approved candidates in the list will, on the occurrence of a vacancy, be temporarily appointed by the Chief Engineer, in order of seniority, as special 1st grade amins for training. During the first six months the candidate must pass the amins' examination as prescribed in article 4A, as introduced by Standing Order No. 244, dated the 2nd October, 1915, and thereafter he will be required to hold charge of an amin's section to ensure that he makes at least one final measurement with the preparation of *khataunis*, etc. After having completed 12 months of training as above, he will be required to pass a final examination in the subjects noted in the margin to the satisfaction of the Executive Engineer, who will test the accuracy of his field work by scrutiny of *partals* and complaints. This examination will be conducted by the Executive Engineer. On passing this examination he will be qualified for appointment as probationary ziladar in his turn. Should he fail to pass this examination he will be discharged and his place filled by another.

(1) *Khatauni.*
(2) Canal Act.
(3) Revenue Procedure.

Appointment and conditions of service of canal amins.

The Divisional Canal Officer can appoint amins either—

(*a*) By promotion from patrols.

(*b*) By direct appointment of suitable candidates.

Canal patrols promoted to the post of amin are exempted from the general rules for qualification for appointments to Government service.

The following rules regarding selection and direct appointment of amins should be strictly observed and a Divisional Canal Officer before accepting a candidate must satisfy himself by personal inspection that the candidate is of good physique and active habits :—

(1) The appointment of amins will rest entirely with the Divisional Canal Officer, who will keep a register of accepted candidates. No applicant shall be accepted for enrolment in the divisional list unless he possesses the following qualifications :—

(*a*) He must be over 18 and under 25 years of age at the time of his application.

(*b*) He must have passed an educational test not lower than the Vernacular Middle School examination or the Kanungo examination.

(*c*) He must produce a certificate of good conduct signed by his school teacher or by a district official.

(*d*) He must be certified by the Divisional Canal Officer to be of distinctly good physique and active habits, and must produce a certificate from a competent medical authority, that he possesses a sound constitution and good eyesight.

(2) Each accepted candidate will be posted to a ziladar's section to be trained for a period of not less than a complete *fasl* in the practical duties of a canal amin. The training to be given shall be such as will enable the candidate to pass Parts (i), (ii), (iii), and (iv) of the examination prescribed below, and at the expiration of the course the ziladar will give to each candidate who may have earned it, the certificates required under Parts (i) and (iii) without which no candidate will be allowed to present himself for examination.

(3) The Executive Engineer with the assistance of the Deputy Magistrate or a Sub-Divisional Officer shall examine trained candidates in the following subjects and give them a certificate if they satisfy him :—

(*i*) *Registration of irrigation.*—To possess a thorough practical knowledge of an amin's duty in this respect. To hold a certificate of having correctly written up the irrigation register (*shudkar khasra*) of a village for not less than 300 acres in the crop. To be able to read a village map (*shajra*) and to follow the fields accurately on the ground. To be able to measure fairly accurately by pacing and to calculate mentally the areas of fields so paced. To be able to measure a field of any shape by chain.

(*ii*) *Mapping and drawing.*—To be able to lay down correctly on a village map the line of a watercourse and drainages. To be able to trace a village map on cloth or paper.

(*iii*) *The demand statement* (*khatauni*).—To possess a thorough practical knowledge of the method of posting a demand statement and of preparing the irrigator's bills (*parchas*). To hold a certificate of having actually prepared the demand statement of an entire village from the irrigation register in a satisfactory manner. To be able to work out the amounts to be assessed, both mentally and by reference to a rate table. To be able to repeat orally all the water-rates according to the schedule in force in the division where the candidate was trained.

(*iv*) *Miscellaneous.*—To be fully acquainted with an amin's duty on the occasion of a breach in the bank of a canal or distributary, or of overflow from a channel. To know the times for the successive waterings of each kind of crop and the approximate dates of harvesting, and other miscellaneous matters connected with the works and duties of an amin. Also to be able to take the discharge of small channels with fair accuracy.

(v) *Canal Act.*—To know such portions of the Canal Act (VIII of 1873) and the rules thereunder as appertain to his work; the system of assessing water wasted and used in an unauthorised manner.

(4) All passed candidates shall be enrolled in a divisional register and will then be eligible for appointment as amins when vacancies occur. Amins will be on probation for the first 12 months of their employment. The mere fact of gaining a certificate will not give a candidate any claim on an appointment.

Answer with reference to question No. 15 *asked by* RAJA AMARPAL SINGH *at the Council meeting of the* 6*th December*, 1921.

Kunwar Jagdish Prasad: (*b*) There was no promise.

(*c*) Does not arise.

(*d*) Government regret they are unable to make the building over to the municipality as it is required for the purposes of an Inspector's office.

Answer with reference to question No. 36 *asked by* RAI SITA RAM SAHIB *at the Council meeting held on the* 7*th December*, 1921.

The Hon'ble Sir Ludovic Porter: 1. (*a*) Yes.

(*b*) 1st November, 1916, amins and patrols 1,009
1st November, 1921, amins and patrols 1,055

(*c*) The information is given in the Irrigation Administration Report. The increase compared with 1916-17 was 310,784 acres, but the area irrigated in 1916-17 was abnormally small and does not give a fair comparison.

2. The matter is under the consideration of the Government.

Answer with reference to question No. 13 *asked by* RAI SITA RAM SAHIB *at the Council meeting of the* 28*th January*, 1922.

Mr. G. B. F. Muir: There appears to be no foundation for the suggestion contained in this question. Government are informed that local opinion was consulted in every case in making these appointments. In the case of Meerut, it is reported that there was an informal consultation of public opinion in all cases. In one tahsil *sarpanches* and *panches* were elected by the village people themselves, in others it was decided how many *panches* were to be allotted to each caste and people were asked to select their own *panches*. Only persons were selected in whom the village people appeared to have confidence. In some cases, however, for special reasons nominees of village had to be rejected.

Answer with reference to question No. 16 *asked by* RAI NARAYAN DAT CHHIMWAL SAHIB *at the Council meeting of the* 1*st March*, 1922.

Mr. G. B. F. Muir: As was pointed out in answer given on the 25th July, 1921, to questions Nos. 34 and 35 of the 2nd April, 1921, no irrigation tax is or has been levied in any village of the Tarai and Bhabar estates. The whole of the amount levied is revenue. If revenue has been wrongly assessed in the case of any land application should be made to the Superintendent of the Tarai and Bhabar estates.

Answer with reference to question No. 17 *asked by* RAI NARAYAN DAT CHHIMWAL SAHIB *at the Council meeting of the* 1*st March*, 1922.

Mr. G. B. F. Muir: The honourable member is referred to the answer given on the 25th July, 1921, to his question No. 36 of the 2nd April, 1921. The Governor in Council is not prepared to convert *kham* village into *bandobasti* villages.

Answer with reference to question No. 24 *asked by* RAI SITA RAM SAHIB *at the Council meeting of the* 7*th March*, 1922.

Mr. G. B F. Muir: The figures are given in the statement below:—

Statement showing the grants made to certain municipal boards during the 11 *months endsng* 28*th February*, 1922.

Name of muncipal board.	For general purposes.	For educational purposes.	For medical purposes.
	Rs.	Rs	Rs.
Lucknow	25,000	9,991	7,46,432 (*a*)
Allahabad	28,355	8,601	2,103
Cawnpore	2,400	6,440	6,526
Agra	40,000	7,740	3,741
Bareilly	...	8,167	2,770
Meerut	100	3,605	2,550 (*b*)
Mussooree	..	3,300	898
Naini Tal	...	...	52,002 (*c*)

(*a*) Includes grants of Rs. 3 lakhs for water-works and Rs. 86,000 for sullage farm and pumping station made by the Board of Public Health.

(*b*) Includes Government grant of Rs. 750 for upkeep of watering plant and recreation grounds in civil lines.

(*c*) Includes grants of Rs. 40,000 for hydro-electric scheme and Rs. 5,000 for general sanitary purposes made by the Board of Public Health.

Answer with reference to question No. 30 *asked by* M. ATA-AT-MAND KHAN MUJIBEE *at the Council meeting of the* 8*th March*, 1922.

Mr. L. S. White: Yes. Government after consulting judicial authority are not satisfied that there is any necessity for altering the scale of fees now in force.

Answer with reference to question No. 9 *asked by* KHAN BAHADUR SHAIKH SAIYID MUHAMMAD *at the Council meeting of the* 17*th March*, 1922.

Mr. L. S. White: (*a*) Yes, with some exceptions.

(*b*) In Agra, two outlying munsifis have been removed to headquarters and five remain. In Oudh, seven have been removed and four remain.

(*c*) It is proposed to remove two of those in Agra that still remain. It has been decided not to remove any of the others.

Answer with reference to question No. 4 *asked by* RAI MAHARAJ SINGH SAHIB *at the Council meeting of the* 22*nd March*, 1922.

Mr. G. B. F. Muir: (*a*) The attached statement gives the required information.

(*b*) Three tahsils show no increase, while in Mustafabad tahsil the increase is small.

The increase in the Mainpuri tahsil is due in the main to fluctuations in the harvest.

(*Statement showing the number of writs of demand and citations issued in various tahsils in the Mainpuri district during* 1918-19 *to* 1920-21.)

Name of tahsil.	1918-19.		1919-20.		1920-21.		Remarks.
	Writs of demand.	Citations.	Writs of demand.	Citations.	Writs of demand.	Citations.	
Mainpuri		100	...	189		291	
Shikohabad ...	18	505	7	297	13	435	
Bhongaon	8	210	13	102	2	146	
Mustafabad ...	16	219	14	238	7	298	
Karhal	42	119	38	206	8	185	
Total ...	84	1,233	72	1,032	30	1,355	

Answer with reference to question No. 5 *asked by* RAI MAHARAJ SINGH SAHIB *at the Council meeting of the* 22*nd March*, 1922.

Mr. G. B. F. Muir: (*a*) No.

(*b*) Does not arise.

Answer with reference to question No. 8 *asked by* RAI MAHARAJ SINGH *at the Council meeting of the* 22*nd March*, 1922.

Kunwar Jagdish Prasad: (*a*) Government have now received information that the Bharool middle school is to be removed elsewhere, mainly because of the poor attendance of scholars since the school was started at Bharool.

(*b*) Government do not propose to interfere with the discretion of the board.

Answer with reference to question No. 9 *asked by* MAHARAJ SINGH SAHIB *at the Council meeting of the* 22*nd March*, 1922.

Mr. G. B. F. Muir: (*a*) No.

(*b*) No.

(*c*) The building of a bridge over the Kali Nadi at Aun is under the consideration of the board and the Public Works department has been consulted. It is reckoned that a bridge at Aun will be appreciably cheaper and of more public use than one at Dhumri.

(*d*) In view of the answer to (*c*) Government do not consider that any action is called for.

Answer with reference to question No. 10 *asked by* RAI MAHARAJ SINGH SAHIB *at the Council meeting of the* 22*nd March*, 1922.

Mr. G. B. F. Muir: (*a*) and (*b*) A number of tenants at Bharaul have not been paying rents regularly for the last two years. Their action is partly due to the collection of excessive rents by the zamindars and to

certain exactions in the past; advantage has been taken of the situation by political agitators and relations have been further strained owing to their efforts. The situation however is now easier. Government do not consider that any action is at present called for.

Answer with reference to question No. 10 *asked by* RAI MAHARAJ SINGH SAHIB *at the Council meeting of the* 23*rd March*, 1922.

Mr. G. B. F. Muir: (1) A number of distraints has been made.

(2) There is reason to believe that certain tenants contemplated resisting the distraint.

(3) Additional police have been sent to Bharaul and action under section 107, Criminal Procedure Code, has been taken against certain tenants.

Answer with reference to question No. 3 *asked by* RAI NARAYAN DAT CHHIMWAL SAHIB *at the Council meeting of the* 23*rd March*, 1922.

Mr. G. B. F. Muir: No such information has reached Government. The Notified Area rules do not affect the villagers to any great extent. The whole of the watershed was brought under the Notified Area for sanitary reasons and Government see no reason to remove any villages from the operation of the Notified Area rules.

Answer with reference to question No. 1 *asked by* RAI GOPAL DAS SHARMA SAHIB *at the Council meeting of the* 24*th March*, 1922.

Kunwar Jagdish Prasad: (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) Does not arise.

(*e*) Government see no sufficient reason for recommending the appointment of any more agents at Lucknow.

Answer with reference to question No. 25 *asked by* MR. SHAKIR ALI SAHIB *at the Council meeting of the* 30*th March*, 1922.

Mr. L. S. White: Special counsel was engaged for the case at a cost of Rs. 9,150. Beyond this it is impossible to say what was the cost of the prosecution.

Answer with reference to question No. 35 *asked by* MR. SHAKIR ALI *at the Council meeting of the* 31*st March*, 1922.

Mr. G. B. F. Muir: (*a*) The attached statement gives the required information.

(*b*) Vacancies are filled by promotion from gradation list which includes both Hindus and Muhammadans. Government does not consider that any action is required.

Name of post.	Number of posts in the province.	Number held by Hindus.	Number held by Muhammadans.
General Superintendent	48	41	7
Head clerk, district offices	48	41	2
Treasury head clerk	47	40	6
Sadr qanungo	50	34	16

Answer with reference to question No. 38 *asked by* MR. SHAKIR ALI *at the Council meeting of the* 31*st March*, 1922.

Mr. G. B. F. Muir: (*a*) There are four partition inspectors for the whole province.

(*b*) After being sent to a district a partition inspector works there till he is no longer required. He is not allowed to tour throughout the division, but his stay in one district only lasts for a few months.

(*c*) Yes.

(*d*) No.

(*e*) As there are only four partition inspectors it is impossible to allot one to each division. Further, the system of sending inspectors to districts in turn results in inspections being more thorough than they would be otherwise.

(*f*) The Commissioner of the Rohilkhand division reported recently that the services of an inspector were not required in his division. One will be sent shortly to the Lucknow division.

Answer with reference to question No. 13 *asked by* THAKUR HANUMAN SINGH *at the Council meeting of the* 1*st April*, 1922.

Mr. G. B. F. Muir: The statement below gives the required information :—

	Name of dispensary.		Provision for diet in 1921-22.	Provision for pay of cook in 1921-22.
			Rs.	Rs.
1.	Ballia Sadar Dispensary...	...	900	120
2.	„ Female Hospital ...	...	28	
3.	Rasra Branch Dispensary	...	24	96
4.	Bansdih „ „	...	24	96
5.	Bairia „ „	...	24	96
	Total	...	1,000	408

THE UNITED PROVINCES DISTRICT BOARDS BILL, 1921.

The Hon'ble Pandit Jagat Narayan: I rise to present the report of the Select Committee on the United Provinces District Boards Bill.

The Hon'ble Pandit Jagat Narayan: I rise to move that the United Provinces District Boards Amendment Bill as reported by the Select Committee be taken into consideration.

Before sitting down, with your permission, I wish to explain the taxation clauses which have been approved by the Select Committee and also to make a few remarks about other matters.

The honourable members of this Council will agree that the Bill has been considerably improved by the Select Committee (Mr. Zafar Husain: —No.) and that all possible and reasonable objections that were raised in various clauses were considered and, where possible, the objectionable

[The Hon'ble Pandit Jagat Narayan.]

features of the Bill were removed. The taxation clauses have been greatly criticized and a great deal of controversy centres round them. Many hard things have been said during the heat of the controversy about the Minister of Local Self-Government. I have no intention of replying to those criticisms; I have no intention of referring to personalities and in my remarks I will avoid doing so. I am tempted to reply to the volcanic eruptions and outbursts of my particular friend Lieut. Shaikh Shahid Husain, but I will refrain from doing so. It appears from a report that has appeared in the papers that he was pleased to grant an interview to a representative of the Press. From that it appears that he has resigned his honorary secretaryship and that he is determined to wreck the Bill. If he succeeds, I will to have follow his example. I hope and trust that this Council will recognize and appreciate in a very suitable manner the valuable services rendered by him to the Council and the great help which he has given during the period of his, honorary secretaryship to the Hon'ble Finance Member, Sir Ludovic Porter, and to Mr. Fremantle. It will not be denied that the Bill as it now stands is a liberal measure of very great importance. It gives a very wide franchise; the bodies constituted under the Bill will be all elected, except two nominated seats. The Chairmen of these bodies will be non-official elected members. It has reduced the external control to a minimum; it has given all these bodies the power of taxation—so-called "the power of the purse"— they will be in future masters in their own house and it has further deleted the clauses which dealt with the question of the establishment of divisional councils. According to the views of some persons, whose opinions are entitled to very great weight, very wide powers have been given to these bodies. But the Government, acting on the principle that people learn by committing mistakes, has taken the risk and has invested these bodies with these wide powers with the hope that by their work they will demonstrate and prove that they are quite able and capable of wielding responsibility and discharging their duties properly.

As I said before, a great deal of controversy centres round the taxation clauses; either they have not been properly understood or there has been misrepresentation. Whatever may be the case, I will try to explain why it was absolutely necessary to introduce these taxation clauses into the Bill. After all, it will be admitted that it gives no pleasure either to the man who is compelled to introduce such a clause in the Bill or to the people from whose pockets the money will have to come. In order to do so, I will, firstly, place before the Council the financial position of the district boards, and secondly how it is proposed to meet the situation. For the purpose of placing before the Council the financial position of the district boards, first of all I will refer honourable members to the speech of the Hon'ble the Finance Member, Sir Ludovic Porter, dated the 3rd December, 1921, reported at page 130 of the Council proceedings. There he clearly says:—"Practically every district board in this province at present is bankrupt. They are living for the present on their balances. That process will shortly be exhausted probably next year. The present deficit of the district boards of the provinces amounts to 14 lakhs per annum. This will mean that I shall be called upon to produce that amount out of provincial revenues to bolster up these bodies. Speaking as Finance Minister, I will tell the Council quite plainly that I am not prepared to do so."

Then I may further refer the Council to the opinion expressed by our late Finance Minister, Mr. Fremantle, who officiated for six months. He said—"Further Government grants amounting altogether to 7,66,000 were given to the boards this year for the expansion of primary education. The amount was found by withdrawal of unexpended non-recurring grants in the possession of the boards. It is not likely that Government will be able to find the money from revenue next year, and unless primary education is to get a set-back, the boards will have to find the money themselves." In order to find out the real position of these boards it was decided to find out as to what their normal income and normal expenditure were. The figures have been worked out. The normal income means the normal income of three years and the normal expenditure means the normal expenditure of the previous three years. From these figures it has been proved that the total income of the district boards of these provinces is about Rs. 1,72,00,000; while the normal expenditure is Rs. 1,85,00,000. So there is a clear deficit of about 13 or 14 lakhs.

Further on, as honourable members are aware, in the years 1921-22 and 1922-23, educational grants were given to these district boards for the purpose of giving an increase to their teachers. None of these boards were in a position to give their teachers the increased pay that was sanctioned by the Government, and in the year 1921-22 the Government had to give them about 6 lakhs and allowed them about 5 lakhs which was in their possession for the expansion of primary education, which sum was earmarked for that purpose. This year also, over and above that sum, the Government had to give about Rs. 7,66,000. I will read to the honourable members a notification dated the 21st February, 1921, which was issued by the Local Self-Government department, when these sums were given. Paragraph 4 of that notification says :—

"The Local Government are already paying more than a reasonable share of the total cost of vernacular education in the districts and cannot undertake permanently to relieve the board to the extent proposed for 1921-22 and 1922-23. The assistance promised for these two years will be given on the understanding that the boards will shoulder their share of the burden when they receive increased financial powers." Further, as honourable members are aware, the scheme for the expansion of primary education which was accepted by Government has been arrested for the last two years. I, as Minister of Local Self-Government, thought that it was better to maintain the existing schools than to open new schools, because money was not forthcoming and the district boards were not in a position to share the burden.

Then honourable members will find that the income of the district boards is made up of the following items :—about 70 lakhs realized from the present cess, about 66 lakhs given by Government as a grant, which comes to about 42 per cent. of their total expenditure, and about 35 lakhs obtained by them from other sources, such as private grants, fines, and other sources. Now, if this Bill is passed and no further power of taxation is given to them, they will be face to face with an additional expenditure without any money. It will be admitted that they will have to considerably increase their staff; they will have to incur the expenditure of elections and bye-elections. If the proposal to give them the power of levying the tax on circumstances and property is accepted, about which there is no difference of opinion, they will have to employ a

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large number of clerks and servants. One of the most attractive features of the Bill is the appointment of circle committees or tahsil committees, and it is contemplated that these committees will be composed of local men and that some money will be placed at their disposal for the purpose of looking after their own villages, with regard to sanitation, lighting, prevention of diseases, and other matters in order to give them an interest in the work which has been thrown on their shoulders. Therefore sums will be required for this purpose also. If it is contended that there should be no future expansion of education, that no improvement is required in sanitation, that it is not the duty of district boards to increase the number of travelling dispensaries, that no steps should be taken by them for the purpose of preventing disease, that even existing schools should be cut down and the number of travelling dispensaries should be diminished, then certainly no money would be required. But if that is not the position which is going to be taken up by the honourable members of this Council, if it is considered absolutely necessary that there should be expansion of primary education, which has been arrested for the last two years, more funds will be required by the boards to finance it. I have got the figures worked out. I will not read the whole of it, but I will give honourable members an idea of that expenditure. If the original five-year programme of progressive expansion of vernacular education is to continue, it will be necessary to increase the recurring expenditure as follows :—

1922-23 ... Rs. 11,50,000 above the present expenditure.
1923-24 ... Rs. 6,60,000 above the expenditure for 1922-23.
1924-25 .. Rs. 6,60,000 above the expenditure for 1923-24.

And during these three years Rs. 22,03,000 × 3, i.e. Rs. 66 lakhs, will be required for buildings and equipment. Such being the case, the question is, what arrangement should be made for meeting these deficits. It will be admitted, and it was so admitted, at least on a previous occasion, that the district boards should be given the power of taxation. The next question is, what are the things that they should be allowed to tax. Before going to that I will just place before the Council the consequences if this Council refuses to give the power of taxation or if the power of taxation is not exercised by the boards. The best way in which I can do so is by reading to the House the words of Mr. Blunt, our Financial Secretary. He says :—

"If they did refuse to take this course, there would be three possible alternatives—

"(*a*) that Government should use their powers under the scheduled Taxes Rules and impose the new taxes themselves;

"(*b*) that Government should raise further provincial taxation and make additional grants to the boards;

"(*c*) that Government should give up any attempt at making local self-government more democratic and revert to the bureaucratic type of local self-government, such as exists in France.

"Of these, the first course would involve, at the very outset of free local self-government, the use of what is obviously meant to be an emergency power. The second would mean the negation of all the principles underlying local self-government and it would further result

in unfairness. For Bulandshahr, for instance, which would need little taxation for its own purposes, as it already possesses a surplus, would be taxed to make good the deficits of Moradabad and Lucknow. And the third course would be unthinkably retrograde; the local self-Government officers would then be salaried servants of the provincial Government, the local taxes would be raised with, and practically as part of the provincial taxation and the boards would degenerate into mere advisory bodies.

"But in point of fact, these are not really three alternatives, but one alternative. For the moment that the provincial Government take taxation out of the hands of the local bodies, as they would do in either the first or second case, they deprive those bodies of the one power which makes all other powers real—namely, the power to control their own finances—and in fact if not in name they reduce them to advisory bodies, which is the salient characteristic of the third alternative. There are only two real choices between a democratic system of local self-government such as the Bill before the Council contemplates, but which demands not only the power but the will to raise taxation, and a system in which the provincial Government through its officials holds all real power, whatever the nominal power of the local bodies may be. And it is worth while pointing out that the present system is essentially of the bureaucratic type, with its centralized financial control and its official chairman. To make the second and wrong choice would therefore be fatally easy, for nothing more would be needed than to leave the present state of affairs undisturbed."

I refer the honourable members to the rules under the Government of India Act, page 36, section (3). It runs as follows:—

> The Legislative Council of a Province may, without the previous sanction of the Governor General, make and take into consideration any law imposing, or authorizing any local authority to impose, for the purposes of such local authority any tax included in Schedule II to these rules.

Now, in Schedule II we have it that the word "tax" includes a cess, rate, duty or fee . . . They are—

1. A toll.
2. A tax on land and land values.
3. A tax on buildings.
4. A tax on vehicles and boats.
5. A tax on animals.
6. A tax on menials and domestic servants.
7. An octroi.
8. A terminal tax on goods imported into a local area in which an octroi was levied on or before the 6th July, 1917.
9. A tax on trades, professions, and callings.
10. A tax on private markets.
11. A tax imposed for services rendered such as—
    (*a*) a water-rate,
    (*b*) a lighting-rate,
    (*c*) a scavenging, sanitary or sewage-rate,
    (*d*) a drainage tax,
    (*e*) fees for the use of markets and other public conveniences.

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Now let us consider every one of them. These are the only things on which a tax may be levied by a local authority. Further, it will be admitted that the local authority can only tax either persons who reside within its jurisdiction or carry on their professions within its jurisdiction or property which lies within its jurisdiction.

In so far as tax on buildings is concerned, I think the honourable members will agree with me that it is out of the question. A tax on menials and domestic servants is also out of the question. Then we have octroi. So far as district boards are concerned, it is out of the question. They cannot impose terminal tax because the condition precedent is that the octroi should be in force before the 6th July, 1917. Then we have the tax on private markets. Even a little interference with the sanitary arrangements of private markets is resented by landlords and therefore I do not think any tax on private, markets will in any circumstances be acceptable to anybody. Then we come to tax on return for services rendered. There can be no water-rate, there can be no lighting-rate, and there can be no scavenging-rate.

Therefore the only three heads which the honourable members of this House will have to consider is a tax on land and land value, tax on vehicles, and a tax on trades, professions, and callings. So far as this Bill is concerned it taxes the land and it taxes the professions and callings.

The second question is, why the Government attaches so much importance to the increase in the cess-rates, and why the experiment of raising sufficient revenue from the tax on circumstances and from vehicles is not tried first. In the first place, according to the figures which I have placed before the House, the immediate need of these district boards is to find at least 21 to 24 lakhs of rupees for the purpose of carrying on their day to-day administration, leaving aside all questions of expansion and all questions of improvement. Therefore the question is, which is the best way of raising this amount? Now, every honourable member is aware that the procedure of raising taxes is very complicated. One will have to wait for months, and perhaps for years, before the machinery is perfected and any income is derived and that after a lot of expenditure.

Well, so far as this cess is concerned, it will bring to the district boards a sufficient amount of money to meet their deficit. In the second place the machinery is there. Already Government is levying a 10-per cent. local rate and they will not have to spend a single pie on collection The Act and the provisions are there and the procedure is prescribed. It is only a question of passing a resolution and issuing a notification. If the House desires that the power of taxing vehicles also be granted, the Government will have no hesitation in accepting an amendment to that effect. But I am afraid that the income from this source cannot be very large. I may inform the members of this Council that, so far as the tax on circumstances and property is concerned, Mr. Blunt, who is an expert in these matters, thought and considered that this should be reserved for the financing of any particular schemes and that no district board should rely upon this tax for the purpose of carrying on its day-to-day administration, because the calculation of about 7 lakhs to be realized from this source is not based on any reliable data. Nobody can

say and predict as to what would be the amount to be realized from this tax. Therefore it appears to me that for the purpose of financing the district boards it is absolutely necessary to increase the rate of tax on land, that is, to increase the cess that is at present paid by landlords. The second question is as to what should be the maximum of this tax. Honourable members will agree with me that in a matter like this no Minister would like to come before this Council for the purpose of getting the Act amended or altered after short intervals. Therefore the only reasonable course to adopt is to fix such a maximum as is likely to bring in about double the amount of the present needs, namely, about Rs. 48,00,000. Even if the honourable members be not prepared to take that as a criterion, I think it is reasonable that there should be a margin left and it should not be expected—it would be against human nature to expect—that every district board will tax itself to the highest limit. I quite agree with some of my friends that it is possible to finance some district boards by means of a tax on circumstances and property or a tax on vehicles, but I differ with them when they say that this source should be exhausted first before any rise in the rate of cess is contemplated. What I submit for their consideration is that there is a perfect machinery at hand which, if worked, will yield a sufficient income without any extra trouble or expenditure. The raising of a tax on vehicles and the raising of a tax on circumstances and property will take time; it may not mature in one and a half or two years.

Thakur Nawab Ali: May I ask what is the estimated income from tax on vehicles?

The Hon'ble Pandit Jagat Narayan: There is no estimated income. I have only thrown out a suggestion, as I was informed that some honourable members thought that this was a thing which should be taxed. However, it cannot make up a deficit of 14 lakhs under any circumstances. It can only be realized in the form of a licence fee and in no other form, and therefore what I submit is that for the time being in order to carry out the day-to-day administration the rate of cess should be increased and afterwards as soon as district boards are able to get a sufficient and reliable income from other sources, that additional cess might be remitted, and it will be the interest of nobody to prevent boards from doing so. Further, the taxation clause is only a permissible clause. It gives power to district boards to tax themselves if they so wish. I will be very frank with the honourable members of this Council and say that having regard to the present financial condition Government would try to influence the district boards to increase their rate of cess. There is no doubt about it, but at the same time it will not be every board that will have to do it. As I have already said, as soon as the machinery is perfected, as soon as the boards are able to realize funds from some other source, they can at once remit this tax. Therefore, the question is as to what should be the maximum. Under financial advice in the Select Committee the maximum was fixed at $3\frac{1}{2}$ per cent., but having regard to all the circumstances and to the strong opinion that was expressed to me I agreed to reduce this and have as a matter of fact on behalf of Government put forward an amendment that the maximum should not be more than $2\frac{1}{2}$ per cent. This $2\frac{1}{2}$ per cent. cannot bring the district boards more than thirty-five lakhs. No district board will impose the tax at its

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maximum, and therefore I think that in order to be on the safe side it is reasonable that the maximum should be fixed at 2½ per cent. These are the reasons why this clause was inserted in the District Boards Bill.

Further on I may inform the Council that this matter was before a Rule 13 Committee. That Rule 13 Committee decided in its report that the additional tax to be realized from the landlords should be additional 10 per cent. cess on revenue, with a 6¼ per cent. from the tenants, and that there should be an additional tax for light railways and tramways. So far as this Bill is concerned, instead of there being an additional 16¼ per cent. taxation, it has been reduced only to 5 per cent., with this proviso attached that only two-fifths of it will be paid by the landlords and three-fifths could be passed on to the tenants. Now take an example. Suppose all the district boards of this province raised the tax to the extent of 2 per cent. It would bring them only 28 lakhs of rupees. There are 48 districts. Now, this means that every district will not have to pay more than Rs. 50,000. Out of this fifty thousand the share of the landlords would be two-fifths, the rest could be passed on to the tenants. As I have said before, if anybody's contention be—though I do not think it is so—that it is no concern of the landlords whether the children of their tenantry are educated or not, that it is no concern of theirs to prevent epidemic diseases, that it is no concern of theirs to see that the roads in their districts are properly metalled and maintained, that it is no concern of theirs that their tenantry should get proper medical aid, then I have no reply to give. But, as I believe that it cannot be the contention of anybody, it is absolutely necessary that this tax should be imposed.

Lastly, I will appeal to the members of this Council to consider the clauses of this Bill on their merits and not to be influenced by passion or prejudice. I appeal to the landlords that they should be more reasonable and more generous. I appeal to them to demonstrate to the world that they do realize the responsibility of their position, that they are prepared to see far ahead, that, notwithstanding that this tax will touch their own pockets, they are prepared to advance the cause of the country, and that they are not prepared to wreck this Bill. I hope that the majority of them will accept my appeal, consider the various clauses of this Bill without passion or prejudice, come to a right conclusion, and thereby earn the gratitude of the future generations of these provinces.

Rai Kunwar Parmanand Bahadur: The difficulties which created the need for bringing forward my amendment that the Bill be re-committed to the Select Committee without limitation and that the Bill as reported by the Select Committee be re-circulated for the purpose of obtaining further opinion thereon have now, happily, all disappeared. A successful conference of the zamindars held yesterday has put us in a stronger position than we were before, and with the approval of my supporters I have decided not to press this motion, as it is unnecessary to do so. I may be permitted, before I resume my seat, in order to remove all possibility of misunderstanding, to say that my silence on this occasion with regard to the taxation clauses is based upon the knowledge that we shall hereafter have ample opportunity of placing our views before the Council. But I am free to remark that when honourable members have heard all that we have got to say on questions which in our opinion require serious

consideration both of the Government as well as of this Council and have heard all in the pirit which the Hon'ble Minister for Local Self-Government has himself recommended, I am sure that all reasonable minds will admit that there is a good deal to be said for the zamindar view, and that the position which we have taken up and intend to persist in is not unreasonable and not based on prejudices, but is a position based on facts which should not be ignored.

The Hon'ble Pandit Jagat Narayan: May I ask, Sir, if I am permitted under the rules to make a statement with regard to the point as to whether there was any need for the re-commitment of the Bill to the Select Committee or not?

The Hon'ble the President: No. The motion has not been moved.

The motion that the United Provinces District Boards Bill as reported by the Select Committee be taken into consideration was put and adopted.

The Hon'ble the President: The preamble of the Bill and the title (clause 1) will be postponed as usual.

CLAUSE 2.

The motion that clause 2 do stand part was put and adopted.

CLAUSE 3.

The Hon'ble the President: Notice of an amendment relating to sub-clause (6) of clause 3 has just been received. It is late.

The President called upon the honourable member concerned to explain the amendment.

Pandit Nanak Chand: I want to move an amendment to clause 3(6). My amendment is as follows:—

Insert "permanent cart track" between "street" and "bridge."

The Hon'ble the President: The honourable member for Bulandshahr has given notice of his amendment late. He can, however, move it if there is no objection by the Council.

Thakur Jagannath Bakhsh Singh: I object, Sir.

The Hon'ble the President: An objection has been raised to the motion. There was plenty of time for the honourable member to send in the motion. I uphold the objection.

The amendment was accordingly disallowed.

An amendment to exclude from the definition of "rural area," town areas and notified areas, standing in the name of Kunwar Parmanand, was withdrawn.

The motion that clause 3 of the Bill do stand part was put and adopted.

CLAUSE 4.

Babu Shankar Dayal: The amendment which stands in my name runs thus:—

Omit paragraph 2, which begins with the words "Out of the total number. . . representative," and also delete paragraph 3, which begins with the words "The balance of the elected. . . general electorate."

[Babu Shankar Dayal.]

The paragraphs which are given in the Bill run thus:—

"Out of the total number of elected members the proportion, fixed by the scale laid down in sub-section (1) of section 5, shall be elected by the Muslim electorate as their representatives."

"The balance of the elected members shall be elected by the non-Muslim electorate (hereinafter referred to as the 'general electorate')."

In asking for this amendment I mean that no communal representation should be allowed or should be accepted by any Muslim members of this Council. I draw, Sir, the attention of the Muslim members of this Council that it is a known fact to them that we, the Hindus, Muhammadans and Christians are all own brothers, we have got one father and mother. By mother I mean our country, India, and by father I mean our Creator, God. It is another thing that some of us have assumed several names as Hindus, Muhammadans and Christians because we have got separate identity. It is a matter of congratulation to us that we have all along been respectful to our father and we have been worshipping him, but so far as mother is concerned, I think we have not been able to render proper services. For some of us have been quarrelling, making disputes, and so forth. Our mother will be the last person to see her own children divided and quarrelling amongst themselves for nothing. She says as a matter of fact: "Look here, my children, I am supporting you and maintaining you and giving you everything, why then are you quarrelling amongst yourselves?" Now, Sir, what I mean to say is this, that it should be our duty that we should remain united, and so long as we know that our father is eternal, our mother is not eternal, of course she can enjoy the longest life possible, then it should be our duty that we the Muhammadans, Hindus and Christians should remain united so long. Now, Sir, it is a known fact that if we are united, we stand; if we are not so, then we fall. Government fortunately has abandoned the old policy which was adopted by Sir Auckland Colvin "Divide and rule." Of course the atmosphere during the time of Sir Harcourt Butler is clear, and I take the liberty of introducing the subject of unity in this Council. Furthermore, by unity we shall not only be rendering our services to our mother-country, but we shall also be helping Government under which Providence has placed us. It is easy to rule a weak nation, but to rule a strong nation requires tact and wisdom. If we are strong we shall not only be commanding respect from other Powers, but we shall place the Government in a position that it can go and say to the nations of the world: "Look here, I am ruling a strong nation consisting of more than 300 millions of people, and if you will not obey my orders, then with this battalion of 300 million people I can conquer the whole world." I have said so far as one aspect of the question is concerned. I hope my Muhammadan brethren will look upon it and will see that from a religious, moral and social point of view it is not expedient to create any disruption among the members of our own family. Let me take up, Sir, the practical aspect of the question. Will the Muhammadans gain anything if they get communal representation? I think not in the least. The percentage they claim is 30 per cent. If the Muhammadans do not claim communal representation, they will place the Hindus in a position to give them a fair and large representation in the district boards. There are some districts in which Muhammadans are influential, although they are in a minority. They can

prevail upon the Hindus in those districts to give them a fair representation in the district boards. I think, therefore, that from the practical point of view the Muhammadans will be rather losers than gainers if they accept communal representation.

Lastly, I would submit that it is not a new thing which I am enunciating in this Council. It is a thing which has been taught to us for ages. It is the policy which certain leaders have adopted, and it is indeed our duty to try our best to maintain it, even if we differ from them in certain matters. Under these circumstances I trust the honourable members of this Council will consider the grave situation, and will not allow any disruption to take place in this matter.

The Hon'ble Pandit Jagat Narayan: I would have felt very diffident if I had been obliged to place before the honourable members of this Council any views which were opposed to those of the honourable member from Partabgarh, because he is reported to have said at yesterday's conference that if the high office of the Viceroy were conferred upon him, he would discharge the duties of that office better than many a Viceroy; but that is not my painful duty. I have only risen to explain the position taken up by me in this matter. The clauses dealing with communal and separate representation are based on the Rule 13 Committee report, of which the Hon'ble Sir Ludovic Porter was the President, and Mr. Keane, Mr. Fremantle, Raja Chandra Chur Singh, Pandit Moti Lal Nehru, Raja Moti Chand, Saiyid Wazir Hasan, Nawab Muzammil-ullah Khan, Nawab Abdul Majid, and Mr. Sim were members. It will be noticed that Muhammadan interests were quite safe in the hands of Nawab Abdul Majid and Nawab Muzammil-ullah Khan; and Hindu interests in those of Pandit Moti Lal Nehru. We may or may not agree with his political creed, but there can be no doubt that he is a man of all-India repute and is the acknowledged and revered leader of the non-co-operation movement in these provinces. That committee unanimously came to the conclusion that about 26 per cent. of the representation should be given to Muhammadans. This compromise was described by Nawab Muzammil-ullah Khan and Saiyid Wazir Hasan as fair and reasonable. After the report of the committee was out, criticisms were invited, and the report of the Select Committee was referred to various district boards. Thirty-two district boards submitted their opinions, and about 34 officers, Commissioners and district officers submitted their criticisms, and with perhaps one or two exceptions, no question was raised as to the impropriety or otherwise of the privilege given to Muhammadans in the matter of communal representation. So far as the Government is concerned, it has accepted the principle of communal representation. So far as the weightage is concerned, it accepts it, as it is in consonance with the conclusion arrived at by the committee. It is, however, open to this Council, if they so wish, to raise the percentage or to cut it down. So far as the Government is concerned, it will not interfere in the matter. Everybody is free to vote as he likes.

Nawabzada Muhammad Yusuf: I am sorry that my friend Mr. Shankar Dayal should have thought fit to move this amendment, which strikes at the very root of communal representation which has been granted to the Muhammadans by the major community of the country. My friend has given arguments in support of his amendment. He said he moved the amendment in order to put an end to the quarrel, so that

[Nawabzada Muhammad Yusuf.]

we may be united in the common cause of India and go forward rapidly towards the goal of *swaraj*. I will remind my learned friend that it is exactly the reason why we ask for communal representation, so that there may not be an occasion for us to quarrel with our Hindu brethren and be able to work together smoothly in the common interests of the country. We are aware that ever since we have been granted communal representation the relations between the Hindus and Muhammadans have tremendously improved, and the prospect of heated propaganda at different elections which are likely to be responsible for communal and religious bitterness has disappeared. He quoted a sentence to the effect that if we are united we stand, and if we are divided we fall. I say, Sir, we really want to be united. At this transition stage of the Reforms there should be no quarrel and our relations should be good, so that we may be able to work together in the common weal of the country. Let us not take up that old question. Let us abide by the decision of the All-India Congress and Moslim League, namely, that 30 per cent. representation should be granted to the Muhammadans. Let us always clearly bear that basic principle in our minds. I am bound to say that if this amendment finds favour with any section of this House, it will cause great bitterness. The question of separate Muhammadan communal representation has already been accepted by the major community of our Hindu brethren, and therefore I strongly oppose the amendment proposed by my learned friend and I am sure the House will reject an amendment like that.

The motion that the second paragraph of clause 4, sub-clause (3), be omitted was put and negatived.

Chaudhri Mukhtar Singh : I beg to move that in the last portion of clause 4 substitute the word "non-Hindu" for the word "Muslim," and the word "Hindu" for the word "non-Muslim." It is my unfortunate duty to speak on this motion, but I cannot help it. Though I know that the division between Muslims and non-Muslims has been granted in the municipal boards and also under the Government of India Act itself, but still I consider that the district board is not the proper place where the electorate should be Muslims and non-Muslims. It would have been very good if there had been only two communities living in this province, Hindus and Muslims, though, even in that case, the Hindus being in a majority, the division ought to have been Hindus and non-Hindus. But in this province there are Christians too—their number may be negligible, but certainly their number exceeds more than one per cent., and this will mean that if we accede to the scale referred to in section 5, our Christian friends on that very principle of minority may come forward and ask for their representation. It is an admitted fact that, fortunately or unfortunately, Hindus are in a majority. If they are in a majority, there can be only two divisions, majority and minority, and the minority should contain all the minor communities in the province. Why should the minority be limited only to Muslims, and Hindus be left to fight against the Christians and other communities ? If we accede that an excessive representation is necessary in order to safeguard the interests of the minorities, we should provide an excessive representation to all the minorities. In that case another 10 per cent. will be necessary for the Christians. It may be stated that Muslims are a community whose

interests should be safeguarded and Christians are not in such a majority that we should safeguard their interests. But my submission is that if Hindus are in a majority, then the general electorate should consist of Hindus, and Hindus only, and all the minorities should be regarded as non-Hindus. It will be strange to see that the very word "Hindu" does not appear in the entire Act and the division is between Muslims and non-Muslims. I am afraid, Sir, that if we accede to the question of separate representation on the ground that the interests of the minorities should be safeguarded, I do not see why the majority should be left to fight out their elections with other communities which may be in a minority. If the Council so agrees, the scale may be increased, that is a separate matter altogether, but on principle the division between the different communities ought to be Hindus and non-Hindus.

With these words I beg to move that the division between the two electorates should be Hindus and non-Hindus and not Muslims and non-Muslims.

The Hon'ble Pandit Jagat Narayan: This phraseology was, I believe, for the first time introduced in the Municipalities Act, and to a certain extent I was also responsible for the selection of these two words, viz., Muslims and non-Muslims. Communal representation was granted to our Muslim brothers. It was decided that they should get a percentage of seats and a fixed number. On principle, nobody likes that there should be communal representation; even our Muhammadan friends did not like it. It is hoped that a time will come—sooner than later—when they, of their own accord, will give up this demand for communal representation; but for the time being it is an accomplished fact. It was thought that so far as district board and municipal representation was concerned, there was no such conflict of interest between the Christians, Sikhs, Jains and the Hindus as to give them separate representation. Therefore, the easiest way was to fix a number of seats for our Muhammadan friends and call them Muslim seats; the remainder which comprised the Hindus and Sikhs, the Jains and the Christians—to whom it was not considered necessary to give any separate communal representation—were included in the term non-Muslim. The difficulty would be that if the two parties were called Hindus and non-Hindus, the whole arrangement will be upset because there are many communities who do not agree to their being called Hindus. I know that at the time of the preparation of the census (I am not referring to the last census but to the previous census) there was a great deal of political agitation as to whether the Sikhs and Jains should be classed as Hindus or not. Therefore, it is not a fact that because the Hindus are in a majority there is any sinister intention on the part of the Government or on the part of those who framed the Bill to minimize their importance. The simple idea was that "non-Muslim" will include every other community; that shows that so far as other communities are concerned they think that their interests are identical and they have mutual trust.

For these reasons the words "Muslim" and "non-Muslim" are the two best words which could be selected for this purpose.

Chaudhri Mukhtar Singh: After hearing the explanation of the Hon'ble Minister I would beg leave to withdraw my motion.

The motion was, by leave of the Council, withdrawn.

A motion that sub-clause (3) of clause 4 of the Bill be omitted, standing in the name of Mr. Zafar Husain, was withdrawn.

The motion that clause 4 of the Bill do stand part was put and adopted.

Maulvi Shahab-ud-din: The first part of the motion that stands in my name is that in the heading of the first column of the scale the words after the word "area" be omitted. The first heading runs thus:—

"Proportion borne by the Muslim population to the total population of the rural area according to the returns of the most recent Government provincial census for the time being." I move that the last sentence starting from the words "according to the returns of the most recent . . . " be omitted. My object in moving this amendment is that the scale lays down that the proportion shall be accounted for on the basis of the most recent census. I should like that the proportion be not accounted for on the most recent census, but on the actual population of the district. It would look rather hard that an amendment of this nature would mean that the census of the whole province will have to be taken; but it is admitted, so far as the last recent census is concerned, that it was inaccurate. No doubt the inaccuracy is due to the present movement that was going on not only in this province but elsewhere. The census authorities admit that in most places Muhammadans, as well as Hindus, refused to give their names or the number of their families. In one or two cases within the municipal areas it has been found that Muhammadan representation had to lose one out of 6 or 7 which they were allowed, simply because the census figures were inaccurate. As regards the rural areas it appears at least in two or three cases that the figures in the census are not correct. It appears that in the census before last Jaunpur had 15 per cent. Muhammadans. In the recent census it is reduced to 8 per cent. In Ghazipur it is 8·6 per cent. In Azamgarh it is 20 per cent. I have taken these from the statement appended to Mr. Shakir Ali's speech which appears to have been based on the census before last and the statement that has been given by the Hon'ble Minister in answer to a question put by Saiyid Janab Ahmad. As the representation that is allowed to Muhammadans is based on a hard-and-fast rule, in fact, we may say, strict rule, and as I submitted that the census figures have been inaccurate and the result will be that the representation of the community will be decreased, so I say that it would be better to give the Muhammadans representation on the basis of the actual population.

The Hon'ble Pandit Jagat Narayan: The whole of the objection is based on the ground that the recent census figures are incorrect. If the words proposed by the honourable mover are deleted from this clause the result will be that in practice the Government will have to re-enact this by way of rule, as otherwise the district boards will have to have a special census of their own. No doubt it is possible that some of the census reports are not correct. And we know from experience that the electoral rolls that are prepared, or several other matters that are done in connection with the elections, are not perfect. There are omissions in them and there are several other defects, and it is quite possible that in one or two places some injustice might have been done to Muhammadans. Similarly, there might be cases where, if the 1911 census is adopted as the

basis of calculation, great injustice might be done to other communities. I think there is no other practical way of doing the calculation than on the basis of the last census. I therefore think that in such a small matter my honourable friend will not press the amendment, but withdraw it.

Maulvi Shahab-ud-din: In view of the Hon'ble Minister's remarks I withdraw the amendment.

The amendment was, by leave of the Council, withdrawn.

Babu Shankar Dayal: As my amendment No. 2 has not been accepted, I ask that I should be allowed to withdraw the first part of the amendment, vide *supra* pages 621 *et seq.*

The Hon'ble the President: It is now sought by a series of amendments to amend the scale in clause 5. There are a very large number of amendments and I will put the clauses *a*, *b*, *c*, *d* and *e* separately and put them first in the form that the words as they are in the Bill shall stand part. If there is any party or any group in this House that is dissatisfied with the clause as it stands, that party should vote against the words "stand part of the Bill." If we decide that they are not to stand part of the Bill, it will be open to honourable members to move amendments, making their suggestions as to what should take the place of the words omitted. If the Council decide that any particular words stand part of the Bill, then no further amendments with regard to those words will be admissible.

Mr. Zafar Husain: Should I move the first part (*a*) or the whole motion?

The Hon'ble the President: The motion that will be first put to the House is that the words in (*a*) of the scale stand part. The honourable member will give his reason why they should not stand part, suggesting in the course of his speech what he prefers, and giving his reasons.

Mr. Zafar Husain: Obeying your decision I should like to refer to clause 5, sub-clause (1) (*a*), "less than one per cent./10 per cent." I oppose this as it is entered in the Bill, and move that 30 per cent. be substituted in both places. In all cases I should have preferred that even in this instance, that is to say in sub-clause (*a*), my amendment "less than 30 per cent./30 per cent." should have been taken as granted. The reasons which I would adduce are that in the scale as contained in the Bill I do not find that in any district whatever there is a population of Muhammadans amounting to less than 1 per cent., I should therefore say . . .

The Hon'ble Sir Ludovic Porter: May I draw the honourable member's attention to the district of Almora?

Mr. Zafar Husain: The statement which I made was borrowed by me from the report of the Rule 13 Committee in which the scale was something different, but the statement which has been supplied to us today was supplied too late for me to consider. Anyhow, taking into consideration the two districts of Almora and Garhwal as the Hon'ble the Finance Member says, I should still oppose the clause of the Bill. Even for the sake of these two districts, this scale should not be maintained, because

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in most cases we have to consider major interests rather than we should go to minor details. Under these circumstances, Sir, as the case relates to two districts only, I would like to oppose this clause standing part of the Bill.

The Hon'ble the President: The motion proposed is that in (*a*) in clause 5, "less than one per cent." in the first column and "10 per cent." in the second column be omitted and "less than 30 per cent." in the first column and "30 per cent." in the second column be substituted. That motion, as I stated, will be put in two parts.

The Hon'ble Pandit Jagat Narayan: I have already explained the position which I take. I said that Government adheres to what has been adopted by the Select Committee, but at the same time the Government does not wish to interfere in these disputes and arguments, and the Government is prepared to accept any compromise that may be arrived at, and will accept the vote of the Council.

Mr. Shakir Ali: The ruling which you have been pleased to give us just now has really changed the whole aspect of the question. The calculation which the Moslem members of the Select Committee had arrived at is the basis on which I base my claim of 30 per cent. on the total rural population. I would try to arrive at that figure by splitting up different districts and try to fit in 30 per cent. somehow. The scale thus arrived at is the scale which you will be pleased to find at page 1 of the Select Committee's report which the Hon'ble Minister has been pleased to incorporate there. But as we are obliged to discuss this point now from this standpoint, I would like to make my point clear. I think I would be voicing the feelings of my Muslim brethren when I plainly say in the very beginning that I do not claim 15 per cent. for any percentage below one. I only claim 30 per cent. on the aggregate. That is to say, if the total number of seats allotted to the whole province is 100, my claim is that the Muhammadans should be given at least 30 seats, and the proportion how those seats are to be divided among the different districts is entirely a matter of choice.

The Hon'ble Mr. C. Y. Chintamani: May I know if the honourable member is speaking on amendment No. 6?

The Hon'ble the President: The honourable member is supposed to be speaking on amendment No. 6.

Mr. Shakir Ali: I am speaking on part (*a*) of motion No. 6. This fixing of proportion, viz., allowing the Muhammadans 10 per cent., is the creation of a body of members who held no better position than we hold today. Three of them were Muhammadans and the rest non-Muslims. The three Muhammadan gentlemen, all honourable of course, differed among themselves and the majority of the two carried the day. The Muhammadans of the whole province are not bound by the attitude taken by those two learned and honourable Muhammadans because the Moslem population at large was not at all consulted. With regard to this Bill we had time and opportunities of consulting Moslem opinion on this point. The Government by carefully trying to shelve the Bill for so many months has given us ample opportunities—more than were really required to consult each and every shade of Muslim opinion—and

I am prepared to give voice to the Moslem feeling by saying bluntly to this House that the Muhammadans are not prepared to take charity from the hands of their non-Muslim brethren; but they would take it as a claim. Muhammadans are very clear on the point that they would not accept less than 30 per cent. They are not concerned as to how it is given and in whichever way that proportion is split up into (*a*), (*b*), (*c*) and (*d*). With that clear understanding I beg to say that 15 per cent. in (*a*) is the correct calculation which would give us 30 per cent. seats in the whole province, and I would request the House to give us that. We know that the Government has been pleased to throw the Muhammadans overboard. We have to place our case before our Hindu brethren. If they are with us, of course we win, and if they are against us, we lose. As things stand, I would not like to rake up old feuds. Muhammadans and Hindus have been living at peace and amity for all these years. Every Muhammadan has got among his Hindu brethren friends and well-wishers, but it is time that we should make our position clear. There is a vernacular couplet which reads thus :—

دلبر سے جدا ہونا یا دل کو جدا کرنا * اس سوچ میں رہتا ہوں آخر مجھے کیا کرنا

"Dilbar se juda hona ya dil ko juda karna"

"Is soch men rahta hun akhir mujhe kya karna."

I am in a fix whether I should part with my beloved or tear out my own heart. I mean this is the position that we are in. We have to decide which of the two we are going to do.

Pandit Gokaran Nath Misra: Is my honourable friend supporting the motion which has been moved by the honourable member for Fatehpur?

The Hon'ble the President: The honourable member is in order I take it. He is more or less relevant. The honourable member had better confine his speech more closely to the question before the House whether the scale is appropriate or not.

Mr. Shakir Ali: We have decided that our heart is, after all, more precious than our beloved and therefore, Sir, I would respectfully place my point of view before my Hindu brethren, because if they accept this 15 per cent. instead of 10 per cent., the rest of the course will be easy; but if they reject it, then the Muslim interest in the Bill would practically cease and the Muslims would take the slightest provocation sufficient for their trying to throw this Bill out.

The Hon'ble Mr. C. Y. Chintamani: With your permission, Sir, may I ask the honourable member kindly to explain what this 15 per cent. is to which he has several times referred in his speech?

The Hon'ble the President: The honourable member wants to know what this 15 per cent. is to which Mr. Shakir Ali has so many times referred.

Mr. Shakir Ali: In the Bill, clause 5, sub-clause (1), item (*a*), as against 1, 10 per cent. has been changed into 15 per cent.

The Hon'ble the President: It has not been changed to 15 per cent. The question at the moment before the Council is whether 10 per cent. stands or not.

Mr. Shakir Ali: I was saying that 10 per cent. should not be accepted. In place of it, 15 per cent. should be accepted. I am quite within my rights to say that 15 per cent. should be substituted.

The Hon'ble Pandit Jagat Narayan: May I make a statement, Sir?

The Hon'ble the President: Yes.

The Hon'ble Pandit Jagat Narayan: I am not going to discuss the question as to what should be the percentage of Muhammadan representation, but I wish to draw the attention of honourable members to the remark of my honourable friend, Mr. Shakir Ali, in this connection. He says that he wants 30 per cent., but does not care as to what should be the percentage under (*a*), (*b*), (*c*) and (*d*). I only wish to say that it would be very difficult and absolutely impracticable for the Government to work out any percentage which is ultimately decided by the Council, and therefore in my opinion it is absolutely necessary, whatever may be the percentage, to give the ratios under clauses (*a*), (*b*), (*c*) and (*d*).

Saiyid Al-i-Nabi: It is with a great deal of hesitation and after a great deal of reluctance that I stand to say a word or two on a motion like this because I recognize that a man is liable to be misunderstood. I would ask this Council to believe me that I do not stand here as a Hindu or as a Muhammadan to say what I have got to say about this motion, but I stand here as an Indian and an Indian alone and from that point of view I want to say what my feeling is about this motion. It has pained me a great deal, I must candidly confess, to see this unseemly sight and this unedifying scene enacted here which we have been witnessing for about an hour about the Muslim representation, about the Musalmans coming forward to say that they want so much and the Hindus saying that they cannot give so much.

I never thought that such a question could come up before this Council. It reminds me of the year 1916 and of the period prior to 1916, when the question of Muslim representation was the topic of talk of every private circle—of public platform and the press. The matter had come to such a pitch in 1916 that they all agreed that some settlement should be arrived at. The Hindu representatives of the Congress and the Muslim representatives of the All-India Muslim League met in Calcutta in 1916. They sat; they discussed the matter in all its bearings and aspects; they recognized the fact that it was a most humiliating sight for the people to be wrangling, to be quarrelling, to be fighting for some seats on this side or some seats on the other side; they thought this sort of thing was most derogatory to the dignity and self-respect of the people at large and of the country as a whole; they further recognized the fact that this quarrelling, this wrangling, this waste of time and energy was striking at the root of all advancement and was not calculated to advance the interest of the country. They therefore sat down and put their heads together, and asked the Muslims as to what they wanted. (I see a motion today from an honourable member here that he wanted 33 per cent.) They then came to the conclusion that the Musalmans were to be given 33 per cent. or 30 per cent. with a proviso to the effect that if two-thirds of the

Musalman members wanted to veto a certain measure that measure should be dropped. Of course that was beyond the range of practical politics. That was impossible. However 30 per cent. was given. The representatives of both the parties discussed the matter again in December, 1916, at the Subject Committee of the Congress. They came to the conclusion in the interests of the country that 30 per cent. was to be given to the Musalmans in order to put a stop to this unseemly sight. The matter was then put formally before the Congress and before the country at large. The Congress looking to the interests of the country, looking to the advancement of the country, looking to the progress of the country, looking to the well-being of the country, came to the conlusion for the guidance and benefit of the people at large that 30 per cent. was to be given to Musalmans, so that there may be no more trouble about it, there may be no more bickering about it. I think, whether right or wrong, this was a decision come to between the two parties. It was a pledge, I think it was a solemn pledge, and in my humble opinion, in my humble judgment, it behoves both the parties—the party which claims 33 per cent. and the party which wants to give less than 30 per cent.—to hold the pledge as sacred, as I have said, in the interests of the country, so that there may be no more such humiliating sights as we have been witnessing today in this House. I may tell the House that personally I am perfectly indifferent in the matter. It is not the number but the brain that would rule. But we have to satisfy the people, the people at large, all classes of the people, and there should be a finality to it, and that finality has been arrived at by the people, and that finality has to be adhered to. I admire a great deal of what has fallen from the lips of the honourable member sitting on the left who represents Partabgarh. I admire that indeed. Certainly I would be a happy man if the Musalmans were not to claim separate representation. But we have to look at it from the practical point of view; we have to see what is possible, and what is not possible; we have to see what is within the range of practical politics. We are living in this world and we have to take things as they are. Taking things as they are, we should not wrangle, we should not quarrel about them. We should take the things as they have been decided and wait for better times. It is my personal opinion that by this discussion this Council has put off the day for the communal representation to be done away with. I may be right or may not be right, but one thing is certain, that this sort of thing should not be allowed to crop up in this Council Hall. Sir, these are the words, that I have spoken from the bottom of my heart as man and man only, and not as a Hindu or Muhammadan. I hope the Council will in that spirit, and in that light, exercise its judgment in the interests of the country.

At this stage the Council adjourned for lunch.

Maulvi Shahab-ud-din: In clause 5, sub-clause (1), a scale is laid down of the percentage of the number of representatives of the Muslim electorate to the total number of elected members, as also the proportion borne by the Muslim population to the total population of the rural area according to the latest census returns. I want to show to the Council that there will be no district board in which there will be a majority of Muhammadan members. There are only three districts where the percentages will be 31, 32 and 33. There is not a single district in which

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the Muslim population will be more than 33 per cent. The result will be that if the percentage is less than 30, it will be 30 per cent.; but if it is not less than 30, it can never be more than 33 per cent. You cannot, therefore, imagine a single district where the Muhammadans can claim to be in a majority.

I will show presently that while in thirteen districts the percentage of Muslims to the whole population will be from 25 to 30, in others it will be 52 and 66. In Aligarh, for instance, the Muslim percentage to the whole population of the district is 9, while the proportion of the Muslim members of the district board is 37 per cent. According to the scale laid down it will only be 25 per cent., i.e., the percentage will be reduced by 12. In Lucknow the percentage of Muslim to the whole population is 11, and the percentage of Muslim members on the district board is 32; whereas under the Bill it will be only 25. In Unao 8 per cent. and 34 per cent. respectively. In Azamgarh 11 per cent. and 30 per cent. respectively. In Shahjahanpur 10 per cent. and 33 per cent. respectively. In Budaun 14 per cent. and 58 per cent. respectively.

(In all these cases the present Bill makes a provision of 25 per cent. There are however cases in which the Bill allows 30 per cent. to the Muslim members.)

In Bara Banki the Muhammadan Muslim percentage to the whole population of the district is 16, while the percentage of Muslim members on the district board is 66.

In Bahraich 19 per cent. and 40 per cent. respectively.
In Gonda 16 per cent. and 41 per cent. respectively.
In Pilibhit 15 per cent. and 42 per cent. respectively.
In Bareilly 25 per cent. and 52 per cent. respectively.
In Muzaffarnagar 27 per cent. and 38 per cent. respectively.

In all these cases it will appear that according to the scale laid down in the Bill the percentage of Muhammadans will come down to 30, while at present they have a much higher percentage.

Now, I should like to ask the Hon'ble Minister why there should not be a uniformity of percentage in all the districts. The question of Muslim representation was never fought out, It was compromised. The merits of the question were never dealt with simply because the compromise was coupled with the names of some gentlemen who were held in high esteem. We accepted the compromise and we have followed it. The compromise was entered into at a time when we were expecting the Reforms and when it was absolutely necessary that there should be unanimity on the question of communal representation, so that the communities might sit in the Council with peace and harmony. When you prescribe different percentages for different districts, the matter becomes a little difficult. It is very hard that in one district you should have a lesser number of Muhammadans and a little more in the other, with the result that they are in a minority in the end. Will the Hon'ble Minister place before the Council any particular reason why it should be necessary to have 90 per cent. of Muhammadan members in one district and 10 per cent. in another? A distinction like that might have been introduced in the Council, but it was not. It would therefore

be better in my opinion if the percentage of Muhammadan representation on the district boards is 33, so that the Muhammadans will be one-third and the other communities will be two-thirds. The district boards will be a useful sort of administration, and I submit the same principle which applies to the Council should also be extended to the district boards. In fact when you argue in that light you cannot give any better instance than that of the Council, and I would put to the honourable members that in a point like this supposing you find a district just as big as another and only one out of ten Muhammadan members sitting, you can certainly see that his presence will not help the administration in any way. It would be much better if we accept the principle in the case of the Council for the district boards also. A statement which has been laid on the table shows that the Hon'ble Minister gives a percentage for every district and it shows that there is not a single district in which there is more than 33 per cent. Muhammadans; only in three districts the percentage is 30 or 31, the rest is less than 30. I have shown you that the Muhammadans at present occupy more seats, and for that I would only give one reason. Of course there is no doubt that so far as the population is concerned they are in a minority, but you can very well imagine that there are several districts in which there are Muhammadan zamindars and their tenants will naturally vote for them. That is the reason why you will find such a large percentage of Muslim members on the boards. I do not want to take the time of the Council any further. I only say that you will find "once a minority always a minority."

Pandit Gokaran Nath Misra: With regard to a matter which was referred to by the honourable member from Agra, I think it is but meet and proper for me to place before the honourable members of this House what actually transpired at the Lucknow Congress, where the Congress and the Muslim League scheme was arrived at. Honourable members of this House will remember that in the Congress, which was held at Bombay in the year 1915, a committee was appointed to draft a scheme of reforms which was to be submitted at the next session of the Indian National Congress to be held at Lucknow. A similar committee was also formed at the annual session of the Muslim League, where a similar scheme of reforms had to be drafted. There were several joint meetings of the two committees, both at Calcutta and elsewhere, and after a deal of deliberation a scheme of reforms was arrived at which was embodied in a letter which was presented to the Indian National Congress at Lucknow and was also presented to the All-India Muslim League which also held its sittings at the same time at Lucknow. The resolution which was passed by the Indian National Congress I should like to place before the honourable members of this House, and I should like them to judge the terms of the resolution for themselves. I have got in my hand the report of the 31st Indian National Congress held at Lucknow in December, 1916, and the resolution will be found reported on page 77 of the report. The resolution runs as follows:—

"**Reform schemes**"

and the first heading of the Reforms Scheme deals with the provincial legislative councils. That resolution ran as follows:—

(1) the provincial legislative councils shall consist of four-fifths elected and one-fifth nominated members;

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(2) their strength shall be not less than 125 members in the major provinces and from 50 to 75 in the minor provinces;

(3) the members of Councils should be elected directly by the people on as broad a franchise as possible;

(4) adequate provision should be made for the representation of important minorities by election and the Muhammadans should be represented through special electorates on the provincial legislative councils in the following proportions."

The resolution only referred, as the honourable members will see for themselves, to the constitution of the provincial legislative councils. "Punjab . . . half of the elected Indian members, United Provinces . . . 30 per cent. of the elected Indian members", and then it goes on to deal with Bengal, Bihar, Central Provinces, Madras and Bombay, with which we are not concerned. Bengal is 40 per cent. I therefore wish to draw the attention of the honourable members of this House, apart from the question as to what ought to be the representation that should be allowed to our Muhammadan friends on the district boards, to the fact that the settlement which was arrived at at the session of the Indian National Congress held at Lucknow and which has subsequently been followed by the Government in the Reforms Scheme so far as the representation of our Muhammadan brethren on the various Imperial and Provincial Legislatures is concerned, only laid down this percentage of 30 in regard to the Councils. As to whether the honourable members of this House will stick to that proportion also in regard to the district boards is quite a different matter altogether. I am not at the present moment addressing myself to that question, but what I want to point out is that my honourable friend from Agra was not quite correct when he said that the matter has been finally settled so far as district boards and the municipalities were concerned when the compact was arrived at at the session of the Indian National Congress held at Lucknow. I should like to remind honourable members that in that very year (1916) the United Provinces Municipalities Act was passed, and section 12 of that Act embodied what was then called the Jahangirabad amendment. I need hardly remind honourable members of the great agitation and of the fierce controversy which raged round that amendment. My point in referring to that is that the representation which was given to my Muhammadan friends on the municipalities under that section (12 of United Provinces Municipalities Act) was something more than 30 per cent. I am not aware what percentage was arrived at, but it was more than 30 per cent. The reason why I am referring to that is that the compact which was arrived at at the session of the Congress held at Lucknow had nothing to do with the representation of my Muhammadan friends in the municipal and district boards. It is apart from that compact altogether that the question has to be decided. Let the honourable members decide what is the proportion which they consider fair to be given to our Muhammadan friends for the purpose of representation on the district boards, but I am afraid no help can be derived from the compact which was arrived at amongst the Hindus and Muhammadans in the session which was held at Lucknow. With regard to the actual proportion many of us feel that the proportion which has been settled by the Rule 13 Committee is a proportion which is

a very fair one, because the proportion which has been conceded to our Muhammadan friends is 25·5 per cent., whereas their proportion in the rural areas comes to only 12 per cent. I would not stand in the way of my Muhammadan friends if they could induce honourable members of this House to give them a little more representation than 25·5 per cent., but the only thing that I wish to point out is that there is absolutely no ground for complaint. The honourable member who had just preceded me said that after all they are in a minority and they will remain in a minority, why then should we fight for a few more seats or why should a few seats be denied to them. That is quite a different question. I fail to see what actual grounds have been made out for theirgetting more than 25·5 per cent. which already ensures to them more than double the number of seats.

My honourable friend from Basti said that the Rule 13 Committee consisted of such Muhammadan members as he did not choose to call " of a representative character." I beg to differ from him. I do not think that Nawab Muhammad Muzammil-ullah Khan or Nawab Muhammad Abdul Majid can be said to have been in any way oblivious of the interests of the Muhammadan community.

Mr. Shakir Ali: Nawab Abdul Majid disagreed.

Pandit Gokaran Nath Misra: When that compact was arrived at it was considered to be very fair. It is obvious that on a small committee consisting of only half a dozen members we cannot put every Muhammadan member, however high he may be. It can only consist of a few Muhammadan members, but I think that the representative character of those gentlemen who were appointed to that committee cannot be denied. I have not yet been given any reasons why the percentage which was arrived at should be departed from. If there are any special arguments which may be advanced by my honourable friends to increase that representation of 25 per cent. to a higher figure, that is a different matter, but so far nothing has been said. The only appeal that has been made is an appeal to the sentiments. It has been said that for the purpose of attaining national unity nothing should be done which should hinder that unity. I for one endorse that view, but I am afraid that somewhere the line has to be drawn. I think that when the Hindus have submitted to the proposal that instead of 12 per cent. the representation of our Muhammadan friends should be doubled or rather increased to something more than double, by conceding to them 25 per cent., I think they have acted generously and they should not be accused of withholding anything which was due to their Muhammadan friends. I therefore wish to place these facts before the honourable members of this house so that they may be able to know that the Congress and the League scheme upon which reliance was placed did not touch the question of the representation of our Muhammadan brethren on the municipal or district boards.

Saiyid Al-i-Nabi: Just a word of explanation. My friend the last speaker has stated that I said that the Indian National Congress and the All-India Muslim League decided at the joint session that there should be 30 per cent. of Muslim representation on all public bodies. What I said and what I meant was that they laid down a rule for the guidance of the people under which 30 per cent. was to be the representation of Muslims on all public bodies like the Legislative Council.

Khan Bahadur Shah Badre Alam: At the time when this proportion of 30 per cent. was fixed it was done so with the object of securing reforms as a result of which we are sitting here today. I agree and admit that the proportion of 30 per cent. was fixed by the National Congress only for the Provincial Legislative Councils. But, Sir, the District Boards Bill today is only the fruit of that Council; so any question that applies to the main thing must also apply to its branch. I cannot understand, Sir, why my honourable friends of the Hindu community should hesitate to give us 30 per cent. We are not asking for anything new. We are only asking for what was really fixed as the percentage for all time to come. It is a very serious step that our Hindu friends are taking. If they are not going to give us 30 per cent.; it will make it clear to us that in all matters coming before the Council we shall not have even that 30 per cent. which we have always thought was fixed for us. I think, Sir, that it will not be of any disadvantage to our Hindu brethren to give us one-third of the representation as it will still keep them in a great majority on the boards. Everyone of us here knows that with a handful of Muhammadans that there are now on the boards in these provinces and with a majority of our Hindu brethren how difficult, and sometimes impossible it is for the Muhammadans to become chairmen and secretaries or to get their communal causes successfully represented before the boards. If our representation is to be curtailed to 25 per cent. somewhere, and 15 per cent. somewhere, I am afraid it will not be acceptable to us; and as my honourable friend has said, I think there should be a fixed number of seats in all the boards. But I do not think I can speak on that now. What I want is that the Muhammadans should be given 30 per cent. everywhere. It would be very dangerous to decide to give anything less, for as far as I have been able to gauge the situation and as far as I am aware I do not think the Muhammadans are going to take anything less than that they are not going to accept anything less than what was conceded to them by the Congress League compact. Why should we go against that compact now? It was certainly made in consideration of all circumstances and for all time. I think, Sir, it will be treating us very badly if my honourable friends of the Hindu community are to stick to this attitude. What the Muhammadans are asking for is their just due. It is not a question of merit at all. It is only a question of a compact. If we are to discuss the question of merit, I think, as our friends know, that this question has not been fully decided and much can be said on this point also. It can be said on the side of the Muhammadans and as my friends know, it has been said when Mr. Montagu and Lord Chelmsford were sitting here, that the Muhammadans should get 50 per cent.—in fact they wanted equal representation with Hindus and other communities. That is really the desire of the Muhammadan community in India; and also of the Christians in India. But this is not the question before us today. What I want to say is that the Hindus should not begrudge us 30 per cent. which was fixed for us by a compact between the Hindus and Muhammadans with a view to secure the reforms of which this House is the creation. With these few words, Sir, I support my honourable friend Maulvi Shahab-ud-din.

Lieutenant Kunwar Jamshed Ali Khan: I see that the Council today is discussing one of the most important questions of our constitutional life, the Local Self-Government Bill. No wonder the House looks

so keen and interested, because we are taking a new step towards the development of our civic rights and the evolution of Self-Government. A deep study of the District Boards Bill and the thorough perusal of the notes of dissent divert my attention to clause 5 concerning the Muslim representation. No doubt the Muslim members of this House are representing their cause best and trying hard to show that they are asking for a right thing the disregard of which would of course trample down their civic rights and privileges altogether. But, Sir, may I appeal to my Hindu friends, the honourable members of this House to look to this Muslim concern from the right point of view with a true criterion of human rationality. Let me say, Sir, that if there are any deliberate considerations under which this House hesitates to give the Muslims their representation of 30 per cent., I as a Muslim request the House to consider that they want 30 per cent. representation to protect themselves under these very considerations. I shall be echoing the voice of the Muslim members of the House if I say that at the time of decision of important questions agreements and compacts are all packed up and thrown to the background. We all know the Congress and the league are supposed to be the national organs of India and their unanimous decisions can rightly be thought binding upon both the communities. But I see with wonder and awe that the question of representation is as new today as if nothing had been decided about it before. Sir, while India is progressing with all its communities, the poor Muslims are destined to fall back from the position they have gained before. The Reforms Scheme gave about one-third representation to Muhammadans and now they are asked to content themselves with 25 per cent. only. I doubt the integrity of the Bill in this respect. I assure the House that the Muslim demand is quite just and reasonable. Therefore I oppose the scale laid down in the Bill.

Lieutenant Nawab Muhammad Ahmad Sa'id Khan: I rise with great hesitation because I feel that the odds are against us and that we are fighting a losing battle. But the amendment of my friend Babu Shankar Dayal among those who plead for the increase on Muslim representation stirred in my heart a feeling of gratitude too strong to be suppressed. It is a feeling of sincere gratitude from a heart that is today despondent and disappointed, is hopeless and also helpless. In the hours of dark despair a streak of light, a ray of hope and a voice of encouragement and sympathy saying—"Buck up, old boy, there is no lack, no dearth of noble sentiments" is something most welcome. What heart will not stir at it? Sir, it is a source of great gratification to me to find that, although in a microscopic minority, there are such persons whose heart is so full with the love of India that there is no place left in it for communal differences. The Muslim demand, as has been explained by many members of that community, is nothing more or less than what was agreed upon by the two communities. The honourable member from Lucknow tried to explain away that fact and my honourable friend from Agra has replied to it. In fact the compact was made by the Congress and Muslim League in connection with the Legislative Councils because that was the only question before them, but at the same time it was thought to be the guiding principle for generations to come to act upon without fighting and quarrelling. The Congress that agreed to this pact was the Congress composed of the leading moderates of the present and therefore I believe that the compact is as binding

[Lieutenant Nawab Muhammad Ahmad Sa'id Khan.]

on them as it is on any of the non-co-operators. Is it not an irony of fate that in this very city of Lucknow where the sacred pledges were given, where the mutual agreement was arrived at, an effort has been made to interpret that pact in a different way? I am sure, Sir, that if my Hindu brethren will accede to our request, it will do them no harm. What does it matter to them if they are in a majority of 75 per cent. or in that of 70 per cent. Are they in any disadvantageous position if they have a majority of 70 per cent. in this House? I will request them to be more generous to their Muslim brethren. It may be asked why do not the Musalmans exhibit the same feelings and why are they not contented with 25 per cent. only? Sir, my plain reply to this is that it is the right of the weak to ask for safeguards. It is not the right of the strong. I admit that we are backward in education. We are aware that we are in a minority, and for these very reasons we raised our hand in 1916 and that was grasped by our Hindu brothers with a promise of support. Now for God's sake do not say that you are not prepared to give that support, do not say that you did not mean that. Now that you are in a position to give a practical proof of what was promised in 1916, I except that you will show that you are more generous; and last of all, Sir, I will appeal to my Hindu brothers in the name of the country, in the name of Hindu Muslim unity, and also in the name of the sacred pledge that was given in 1916 to prove not to the few handful Muhammadans here but to the whole country, nay to the people beyond the seas in the Parliament, that the Hindu majority is quite capable of governing the country and that the Hindu majority in solacing the minority will inflict a wound on their own body rather than injure a hair of the minority that should link with them in this country.

Rai Sita Ram Sahib: It does one's heart good really to hear references to the resolutions of the All-India Muslim League and the resolutions of the Indian National Congress from my honourable friend the Nawab of Chhitari. We, Sir, in today's debate as Hindus have been cajoled, we have been threatened, and we have been reminded of certain compacts. We have been threatened with a certain split. We have been appealed to in the sacred name of the Hindu-Muslim unity and in the sacred name of nationality. In common with my honourable friend, Saiyid Al-i-Nabi, I am one of those who are not delighted with the unedifying spectacle, as he put it, the unseemly sight as he put it, of this scramble for seats on the district boards between two large communities of these provinces. If, Sir, I may be allowed to quote one of the venerable leaders of the Muhammadans, a leader who is respected universally and widely by everybody throughout India—I refer to Sir Saiyid Ahmad—I believe that the Hindus and the Muslims are like the pupils of the two eyes, injure the one and you injure the other. But, Sir, there is always a but even to things spiritual and even to things high, I take it that we are discussing at the present moment the amendment that has been moved by my honourable friend, Mr. Zafar Husain, who asks the House to substitute 30 per cent. for the clauses (*a*), (*b*) and (*c*).

The Hon'ble the President: Clause (*a*).

Rai Sita Ram Sahib: To substitute 30 per cent. for clause (*a*). Let us leave aside for the time being all notions of cant, of prejudice, of hypocrisy. Let us for once be straightforward and honest. What does

my friend want? Where it is provided for in the Bill that where there is a Muslim population of less than 1 per cent. the Muslim population for purposes of representation will be 10 per cent., he wants that it should be 30 per cent. This, Sir, is the amendment before the House. A lot of irrelevancy, a lot of talk, a lot of other things have centered round this amendment, but this is the amendment which in all its nakedness stands before the House. Mr. Zafar Husain wants that where the Muslim population is less than 1 per cent. their representation on the district board ought to be 30 per cent. There is no other amendment before the House and the moderate amendment which my friend Mr. Shakir Ali . . .

Mr. Shakir Ali: A point of order, Sir. As far as I understand you were pleased to rule that the question before the House was whether (*a*) should form part of the Bill.

The Hon'ble the President: That will be the first question put to the House whether (*a*) shall stand part of the Bill. Subsequently the second part of the motion will be put, that is to say if it is decided that (*a*) shall not stand part of the Bill, the second part of the motion will come in operation and amendments can be moved to it.

Rai Sita Ram Sahib: This ruling of the Chair just modifies the position as it originally stood, but as several speakers before me have alluded to 15 per cent. and have almost all referred to 30 per cent. as the desirable representation of Muslims, I hope I shall not be far wrong if I say that what my Muhammadan friends want is 30 per cent. What will be the result of it if it is to be 30 per cent. all round? Take, for example, Garhwal and Almora.

Mr. Shakir Ali: No.

Rai Sita Ram Sahib: My friend, Mr. Shakir Ali, says no. I will reserve my remarks till the time when he proposes a definite amendment to this proposition, but what is the position at present? Take for example Almora. What is the population of Almora? Its population is 517,359. Out of this the Muslim population is 2,738, so that there they are less than 1 per cent. Is it to be said that this population of 2,738 ought to be given 30 per cent. or ought to be given even 15 per cent. of the representation and that the huge population of over five lakhs should be satisfied with a smaller representation? Sir, I have never seen the argument "Heads I win, tails you lose" reduced to a *reductio ad absurdum* more clearly than by my friends here. They say, well the pact of 1916 was arrived at at the Lucknow Congress in December, 1916. The Municipalities Act in which the Jahangirabad amendment providing for special and separate representation for Musalmans was inserted was before December, 1916. Therefore we must abide by that amendment because it was before the pact, but the District Board Bill is coming up after the pact and therefore the limited clause of the Congress-League pact which referred only to the Provincial Councils should be extended to the local bodies as well. I take my Muhammadan friends on their own word. If we have agreed to 30 per cent. all round—30 per cent. not only on the Provincial Councils, 30 per cent. not only on the Legislative Assembly, and the Council of State but also on the local bodies—are my Muhammadan friends agreed, are they willing to abide by that pact whole-heartedly? Are

[Rai Sita Ram Sahib.]

they willing to be a party to the amendment of section 12 of the Municipalities Act which gives them a representation much larger than 30 per cent.

Mr. Zafar Husain: Yes, we are willing.

Rai Sita Ram Sahib: If they are, I for one make bold to say that I shall be the first person to vote for 30 per cent. representation for the Muhammadans on the District Boards, but if my Muhammadan friends do not agree to be a party to have that section amended and to reduce the larger representation that they have got in the urban areas to 30 per cent., I say it cannot be. If the pact is to hold good, it cannot hold good for one, it must be double-sided and not one-sided. What is the representation given to the Muhammadans according to section 12 of the Municipalities Act? It is this: where the population is less than 25 per cent. of the total municipal population, this population for the purpose of separate representation is to be increased by 3/10ths, so that where the percentage of Muslim population in municipal areas is 24, it will be more than 31 per cent. This is only where the population is less than 25 per cent., but let us proceed a little further. Clause (*b*) of sub-section (3) says: if it is not less than 25 per cent. but is less than 38·5 per cent. of the total municipal population it will be raised to a figure bearing to such total population the last-mentioned proportion, viz. where the population is not less than 25 per cent. the population for the purpose of Muslim representation will be considered to be 38·5 per cent. If the Muhammadans are agreed to reduce this 38·5 per cent. to 30 per cent. I, Sir, again repeat that I for one am willing to vote with my Muhammadan friends for the representation they desire on the district boards. If they are not, well we shall have . . .

Mr. Shakir Ali: I agree.

Rai Sita Ram Sahib: Let them bring that amendment then and let us postpone this clause till that time.

Mr. Zafar Husain: Postpone it.

Rai Sita Ram Sahib: I am ready. Let these two go together. My friend, Mr. Shakir Ali, said that it was only two out of the three Muslim members on the Rule 13 Committee who agreed to that representation. May I, Sir, invite his attention to the report of the Rule 13 Committee? The Muhammadans were represented by Nawab Abdul Majid, Nawab Muzammil Ullah Khan and Saiyid Wazir Hasan who was then perhaps, if I mistake not, the Secretary of the All-India Muslim League. All the three and not two out of the three, agreed to the scale of representation which is incorporated in the Bill before the House. When Mr. Shakir Ali said that two out of the three only agreed, he quoted from where I do not know, but the report of the Rule 13 Committee is clear. The report is unanimous. Nawab Abdul Majid only differed as regards Muslim representation on the divisional councils. So far as the district boards were concerned, there was not a single dissentient voice, not only from among the Muhammadan members but also from among the Hindu leaders like Pandit Moti Lal Nehru, Mr. Chintamani and others.

The Government members themselves unanimously agreed to the representation which has been incorporated in this Bill. If that is not

final, I say if a pact agreed to in October 1918 by some of those who may be considered to be a party to the pact of 1916 is not to be final, where is the guarantee that the pact arrived at at present will be final at all? Tomorrow there might be other representatives of the Muhammadan community who might say that they were sold by their representatives at the moment. I, Sir, do not propose to be a cynic, but I remember what an honourable member of the Legislative Assembly, Mr. Kabir-ud-din Ahmad, explained in one of the debates recently held in that House, viz. that the Muhammadans are inadequately represented even now, and they were not parties to the pact and they want a much larger representation on the Provincial Councils and the Imperial Council. I say if we are going to enter into that matter with this spirit, there can be no finality at all. Here is a pact, here is a recommendation which our respected leaders have entered into, here is the Secretary of the All-India Muslim League, Saiyid Wazir Hasan, here is a very shining light of the Congress, Pandit Moti Lal Nehru. Surely they were parties to the pact of 1916. This report was written in October 1918. They knew what they were setting their hands to. Now let us find out whether a case has been made out for going back on the recommendations of that committee. It is very good for us to say that we are all for Hindu-Muslim unity. There is no doubt that we are all for Hindu-Muslim unity. But when my Muhammadan friends want 30 per cent. representation when they have not got a population of even 12 per cent. what is to become of the Jains, of the Sikhs, of the Anglo-Indians, of the Christians. They are all lumped together in that suggestive word " non-Muslim ". If the Muhammadans are to be given 30 per cent. should then this large body of men who populate this province be content with 70 per cent? I ask my Muhammadan friends to be fair, to be straightforward, and not to be misled in the name of Hindu-Muslim unity. Surely we are not against Hindu-Muslim unity. I can honestly say, if I may refer to a personal instance, that I was one of those who were the supporters of the Jahangirabad amendment at the time when the Municipalities Act was passed; although a vast majority of the Hindu population was against it. But when my Muhammadan friends say that they want to go back on the pact arrived at between our leaders, I say there must be an end to it. It has been said that it would be much better if there were no separate representation. In fact I was present at one of the sessions of the Congress held at Allahabad in 1910. I hope all veteran Congressmen present here will bear me out when I say that respected leaders like Mr. Mazharul Haq and Mr. Muhammad Ali Jinnah clearly and emphatically said that they were not for separate representation on local bodies, that they wanted it on the Councils alone, and that it should go no further. One of our Lieutenant-Governors, Sir John Hewett, was diametrically opposed to having separate representation on the local bodies; but because the Muhammadans wanted this the Hindus did not grudge it. Take it by all means. Take even special representation. But when they want us to sacrifice our cause, to sacrifice our household, surely there must be an end to it. I, Sir, as a boy remember a Sanskrit verse उदार चरितानान्तु वसुधैव कुटुम्बकम् For the magnanimous the world is all one family. It is all very fine to talk like this, but why should one be magnanimous at the expense of the other? That is no fairness. Therefore, Sir, I regret very much that I have to oppose the amendment that has been suggested before the House. I think, Sir, in whatever I

[Rai Sita Ram Sahib.]

have said I will not be misunderstood. I do not want to rake up old feuds at all. I do not want to embitter the feelings. I am one of those who want national unity. I am sincerely against this unedifying spectacle, but what is to be done? Are we to blame at all? Most of us Hindus will not be parties to the amendments which want us to go back on the recommendations of the Rule 13 Committee and which are intended to reduce the scale of Muslim representation provided for in the Bill on the basis of that agreement. We have deliberately chosen not to say a word against the pact then made, not because the Hindus are all for it, but because we consider that in the interest, of fairness it is, perhaps, right that there should be a finality on the recommendations made by mutual consent by our own leaders in October, 1918, but when my Muhammadan friends want to go further I ask them in the name of goodness, in the name of unity, and in the name of honesty to pause and ponder what they are doing.

Pandit Hirday Nath Kunzru: The question of excessive and separate communal representation has for long been an obstacle to the development of nationalism in this country. Before the country could take a step forward in regard to its political advancement the matter had to be settled in regard to Legislative Council by the Hindus and Muhammadans together in this city in December 1916. A little before that the question of separate and excessive representation had been decided in regard to municipalities when the present Municipalities Act was passed. In the year 1918, that is, two years after the date on which the Hindu-Muhammadan pact was arrived at in Lucknow, the question of the representation of Muhammadans on the district boards also was settled by the non-official Hindu and Muhammadan members of a committee over which Sir Ludovic Porter presided. One would have thought then that a great obstacle in the way of the achievement of political unity had been removed and that the two great communities could then henceforward march hand in hand thinking of nothing but their common interests and of the advancement of their country. But it is a matter of great sorrow to anyone who loves this country and who realizes the distance that we have to travel before self-government can be achieved, to find that this question has been brought again before the Council. A great deal of reliance has been placed on the Hindu-Muhammadan pact arrived at in Lucknow. I will not traverse the ground covered by my honourable friends the members for the Lucknow district and South Meerut, but I would like to point out as one who was a member of the All-India Congress Committee in the year 1916, that before the question of muslim representation in the legislatures was finally discussed in Lucknow a joint meeting of the All-India Congress Committee was held in Calcutta in November, 1916, to arrive at an amicable settlement. Somebody there raised the question of separate and excessive representation of Muhammadans on local bodies, but it was unanimously agreed that that question should be put aside, that the more important question was that of Councils, and that it should not be complicated by the consideration of questions which were not material to its solution. I remember that the Hindu members of the All-India Congress Committee objected to the principle of separate representation on their local bodies, and it was because of the objections on their part to separate representation in principle on local bodies

that it was agreed that the question should be dropped. I am surprised to find that honourable members, who have read the compact arrived at in 1916, should come forward and declared that the compact related not only to Councils but also to local bodies, or that the proportion agreed to in regard to Councils was to be a guide in regard to representation on other bodies. The language of the compact is clear on that point. But I can say from the inner knowledge which I possess that apart from the language of the compact, the deliberations of the All-India Congress Committee and the Council of the All-India Muslim League totally negative the claim which has been advanced by my friend, the honourable member for Basti.

Saiyid Al-i-Nabi: Was my friend present at Calcutta ?

Pandit Hirday Nath Kunzru: I am happy to assure my honourable friend that I attended that meeting, and that I also attended the joint meeting of Hindus and Muhammadans, which was held here in Lucknow. I am also glad to inform him that I was one of those who voted in favour of the postponement of the question of representation on local bodies when it was considered in Calcutta. My honourable friend, the member for South Meerut, has pointed out that the agreement in regard to Muslim representation on district boards was arrived at by people who enjoyed a representative position in their communities. If I may ask the House to turn to the report of the Rule 13 Committee, they will find it stated that the settlement was arrived at in accordance with an agreement reached at by the non-official members of the committee, of 1918 and those who are in touch with public affairs in this country know that the non-official members of the Rule 13 Committee did not arrive at that agreement on their sole individual, personal responsibility. They consulted other prominent members of their own communities, and the agreement was a result of a settlement arrived at technically between the members of the committee, but morally speaking between prominent Hindus on one side and prominent Muhammadans on the other.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

Pandit Hirday Nath Kunzru: The Hon'ble the Raja Sahib denies that. I will not deny that there are diehards both among Hindus and Muhammadans. There were Hindus, I remember, at the time who refused to accept the principle of separate or excessive representation altogether, and there might have been Muhammadans who would have been satisfied with nothing short of a 50 per cent. representation, but we know that when questions are considered with a view to some agreement being arrived at, these extremists who would never allow any question to be solved, have to be set aside, and I have no doubt that the members of the Rule 13 Committee, and the large proportion of the non-official members whom they consulted, thought it incumbent on themselves in the interests of the country, which they represented, to attach no weight to the opinions of the extremists who would have wrecked all chances of an amicable settlement. I have pointed out, Sir, that the Hindu-Muslim compact at Lucknow does not apply to local bodies at all; but I am willing to assume for a moment that it does. The entire Muslim population of these provinces is a little over 14 per cent.

Mr. Shakir Ali: 16 per cent.

Pandit Hirday Nath Kunzru: My honourable friend says 16 per cent. of the total population of these provinces. His figure strengthens my position. A community, the population of which is about 16 per cent. of the total population of these provinces, has been allowed a representation of 30 per cent. in the Council, that is slightly *less* than double what its numbers warrant. The rural Muslim population is a little over 12 per cent. of the entire rural population, and the proportion of Muslim representation on the district boards would in accordance with the scheme outlined in the Bill amount to Rs. 25½ per cent. that is a little *more* than double of what the Muslims would have got had the representation been based purely on their numbers. I am therefore afraid that in basing their claim on the Lucknow compact, even if it applied to these local bodies, they have chosen a very weak basis to rest their claim on. One honourable member on the other side asked us to consider what the position of the Muslim members would be if they were to go before their electorate and say that their proposal had not been accepted by the Council. I think the Muhammadans are in an advantageous position in this respect. The representation that they have got is not proportionate to their population. It is more than double of what their numbers entitle them to. It was agreed to four years ago by prominent members of their community. They can, therefore, point out to their electors that they have honourably fulfilled the compact arrived at on behalf of their community by their representatives, and in any case they can go to them in triumph and say that their representation is double of what it would have been had their counsels carried no weight with their Hindu fellow countrymen. Now let us consider the position of the Hindu members of the Council who would agree to the amendment brought forward by Mr. Zafar Husain. We all know the commotion that was created by the Jahangirabad amendment in 1916. Would the Muslim members, as our personal friends, or as our national friends, really ask us to go to our electorate and say that we had agreed that although they were about 87 per cent. of the population they should get only 70 per cent. of the representation? Would this be their advice to us as friends? I am sure that if they would consider the matter dispassionately and not in a one-sided way, not with reference to the interests of their own community only, they would come to us and say "your position in the Hindu community would be rendered positively untenable, and we are not going to do such a disservice to you as to ask you to agree to an amendment which will lead to your repudiation by the entire body of Hindu electors."

One word more, Sir, and I have done. The Muhammadan members have, in my opinion, been treated generously by the Hindu members of the Rule 13 Committee. If it is not generous to give a community double the representation which its numbers would entitle it to, I really do not know what liberality means. Nevertheless I could understand their appealing to us and asking for a further concession, but it took away my breath to hear the honourable member for Basti say that he asked for 33 per cent. not as a concession but as a matter of right. I do not know what the honourable member's notion of a right is, but history tells us that the representation enjoyed by a community on elected bodies connected with the administration of a country has generally been proportionate to its numbers. My honourable friend the Nawab of Chhitari made an appeal to all of us in the name of national unity, and asked us to sink our differences, to forget that we are either Hindus or

Muhammadans and to agree to the amendment of Mr. Zafar Husain in the common interests of the country whose rights we are fighting for. May I, in the name of that very country, ask him to reconsider his position? One would have thought that after a generous settlement of the question of representation on Legislative Councils, on municipalities and on district boards and in view of the growing Hindu-Muslim unity, our Muslim friends would not have raked up a bitter controversy which has prevented the fusion of the two communities in the past, and would have strained every nerve to prevent any recalcitrant member of their community from bringing forward such a motion. It grieves me more than I can say to find that, forgetting national interests, they have chosen to make themselves the mouthpiece section. They will forgive me for plain speaking. They are giving community what was meant for the whole country. May I tell them that national unity can be served by nothing more than by their insistence on the observance of pledged words. Nothing can stand so much in the way of Hindu-Muslim unity and prevent common action than a feeling on the part of either community that the other would be ready to repudiate solemn promises whenever an opportunity offered itself to it of backing out of them. I appeal to them, therefore, once more to reconsider their decision and to think of the country of which we and they are citizens; our political path is strewn with obstacles enough. We have to meet with opposition which cannot be easily overcome. Let them allow to be said of them that they have added one more obstacle to those which lie in our path.

The motion that clause 5 (1) do stand part of the Bill was put and the Council divided as below :—

Ayes 45.

Mr. S. H. Fremantle,
The Hon'ble Mr. C. Y. Chintamani,
The Hon'ble Pandit Jagat Narayan,
Lala Shadi Ram,
Pandit Bal'hadra Prasad Tiwari,
Thakur Rajendra Singh,
Babu Khem Chand,
Pandit Brijnandan Prasad Misra,
Rai Indra Narayan,
Mr. K. P. Singh,
Rai Ravinandan Prasad Bahadur,
Rao Sheo Dhyan Singh Sahib,
Chaudhri Sardar Singh,
Rai Jodh Singh B. Negi Bahadur,
Rai Bahadur Kunwar Dillipat Sah,
Thakur Hanuman Singh,
Babu Chhail Bihari Kapur,
Kunwar Shamsher Bahadur Singh,
Raja Shambhu Dayal,
Raja Amarpal Singh,
Rai Gopal Das Sharma Sahib,
Rai Mashal Singh Bahadur,
Thakur Prasidh Narayan Singh,

Noes 42.

Lt.-Col. A. W. R. Cochrane,
Mr. A. B. Reid,
Mr. A. W. Pim,
Mr. F. F. Sladen,
Khan Bahadur Mr. Muhammad Ismail,
Mirza Muhammad Sajjad Ali Khan,
Raja Muhammad Ejaz Rasul Khan,
Mr. Shakir Ali,
Saiyid Al-i-Nabi,
Mr. Zafar Husain,
Khan Bahadur Chaudhri Amir Hasan Khan,
Lt. Nawab Muhammad Ahmad Sa'id Khan,
Babu Shankar Dayal,
Mr. R. Burn,
Mirza Mahmud Beg,
Mr. A. C. Verrières,
Mr. H. M. Leake,
Rai Kunwar Parmanand Bahadur,
Mr. Jafer Hosain,
Thakur Nawab Ali Khan,

Lt. Rai Bahadur Kunwar Nand Lal,
Pandit Govind Sahai Sharma,
Sardar Birpal Singh,
Rai Rajeshwar Bali,
Babu Gendan Lal,
Major D. R. Ranjit Singh,
Pandit Hirday Nath Kunzru,
Pandit Gokaran Nath Misra,
Thakur Jagannath Bakhsh Singh,
Thakur Manak Singh,
Rai Vikramajit Singh Bahadur,
Babu Gur Sahai,
Rai Daya Shankar Sahib,
Mr. St. George Jackson,
Pandit Soti Vishnu Swarup,
Mahant Parmanand Gir,
Rai Sheo Charan Lal Sahib,
Pandit Iqbal Narayan Gurtu,
Pandit Baijnath Misra,
Rai Sita Ram Sahib,
Chaudhri Mukhtar Singh,
Pandit Nanak Chand.

Khan Sahib Hakim Nawab Ali Khan,
Khan Bahadur Kunwar Inayat Ali Khan,
Khan Bahadur Shaikh Saiyid Muhammad,
Lt. Kunwar Jamshed Ali Khan,
Munshi Muhammad Zahur-ud-din Khan,
Nawabzada Muhammad Yusuf.
Khan Bahadur Shaikh Muhammad Yusuf,
Munshi Ata-at-mand Khan Mujibee,
Maulvi Shahab-ud-din.
Saiyid Janab Ahmad,
Lt. Shaikh Shahid Husain,
Khan Bahadur Shah Badre Alam,
The Hon'ble Sir Ludovic Porter,
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan,
Mr. L. S. White,
Mr. C. M. King,
Kunwar Jagdish Prasad,
Mr. H. de L. Ross,
Mr. G. B. F. Muir,
Mr. F. F. R. Channer,
Mr. H. S. Crosthwaite,
Mr. G. B. Lambert.

The motion was therefore adopted.

Nawabzada Muhammad Yusuf: I beg to move that for the present sub-clause (1) (*b*) the following be inserted:—that where there is not less than one per cent. but less than 5 per cent. 25 per cent. should be granted.

I have patiently listened to the arguments of honourable members of the Council who do not look with favour on any increased representation being given to the Muhammadans than that already granted by the Rule 13 Committee. I am sorry to find that in that connection there is no clear recognition of the fact that it will be much better to have a guiding principle before us, to have a basic principle in our view to guide us for all time to come. There is no getting away from the fact that the compact arrived at between the Muhammadans and Hindus was that 30 per cent. should be granted in provincial councils and also in imperial legislatures. I grant that there was nothing in it to clearly lay down that the other noble bodies—the municipal board and district board—should also be guided by that same principle. But it must be remembered that what the honourable members who were responsible for that compact had at the back of their mind was that it was much better that a controversial question like that should be left open at that stage and it was absolutely necessary in the larger interest of the country to come to a compromise over the question of the Council representation, and that was the reason why this question was not dealt with at that assemblage.

It has been said that the Rule 13 Committee's findings should be regarded as absolutely binding, and that we should not recognize now any principle and that the representation of 30 per cent. granted by the All-India Muslim League and Congress compact should not be regarded as a guiding principle for all municipal and local bodies. It would be a very great mistake not to do it. If we are not to recognize that 30 per cent. should always be the guiding principle, then differences will always arise between Hindus and Muhammadans, and there will always be constant friction and bitterness between the two communities and a campaign that the representation of one community should be increased at the expense of the other. I would say, with all respect to the Rule 13 Committee, that the circumstances under which it was appointed, and did come to a deliberate decision, were different. The political atmosphere was such that probably a higher percentage, if pressed by the Muslims, might not have been acceptable to our Hindu brethren. But we know that the circumstances have completely changed now. We always hear from outside, particularly from the non-co-operators, that they will not mind giving 50 per cent, as it matters little if they give a higher proportion; that they have the fullest trust in their Muhammadan brethren and their interests will be perfectly safe; and therefore they would not raise this question of 30, 40 or 50 per cent. but would be prepared to treat any claim made by their Muslim brethren generously, sympathetically and large-heartedly.

Probably my learned friends who were responsible for opposing the previous motions are not aware that the representation of the delegates to the All-India Congress and Muslim League is guided to a very large extent by that principle of 30 per cent. You must remember that Muhammadans would have absolutely swamped the All-India Congress, bearing in mind that the Khilafat question had been agitating their mind, but because Mahatma Gandhi did see the force of the point that it would not be safe to allow Muhammadans a very large percentage, and it was tacitly understood that the delegates who were to go up to the All-India Congress Committee should ordinarily bear the proportion of 30 per cent. It seems to me that there is no getting away from the guiding principle of 30 per cent. Let us consider now, wehther we are going to have 30 per cent. as our guiding principle, as the basic principle for all time or whether we are going to reject it and say it should not be recognized as the guiding principle and let the future decide as to what percentage should be ultimately accepted when we finally come to a compromise in view of our achieving the goal of *Swaraj*. Sir, I think some members fear that there are some persons among Muhammadans who may come forward and claim 50 per cent. therefore it would be better to withhold from them the larger representation or even 30 per cent. just now and to try to cut down the representation to as low a figure as possible, so that when the final approachment comes about they may be on firmer ground to reject their claim for higher representation. I would respectfully submit that it would be very much to the interests of all parties concerned and it would be in the interests of the country, and further would be in the interests of higher politics, that we should recognize 30 per cent. as the guiding principle for all political purposes. No doubt it has been pointed out by my friend Rai Sita Ram that in municipalities the representation has gone even higher than 30 per cent. and therefore it cannot be said that this will be the final guiding principle

[Nawabzada Muhammad Yusuf.]

which will be accepted on all occasions. That is an argument in my favour; namely, that we should get at least 30 per cent. and nothing less than 30 per cent., which is our right, and I would make bold to say that it would be the privilege of the major community to accept it. Then he says:—"How are we to bring into line the representation on the municipalities with that of the Councils and the district boards if we accept this principle of 30 per cent. now?" It is perfectly open to the honourable members to bring any amendment they like and they would then be on firmer ground and would have stronger reason for saying: let there be uniformity of representation on all political bodies and let there be no discrepancy. But to say, Sir, that this question should wait till we come forward with an amendment of the Municipalities Bill, is an untenable position to take. Then again it is said: no self-respecting Muhammadan would come forward to make a claim like that which might put them in a very awakward position in their constituencies. Sir, there is no question of self-respect involved in it. It is because we stand on our right that we claim that 30 per cent. should be given to our community.

The Hon'ble the President: The honourable member does not seem to be speaking to his own motion at all.

Nawabzada Muhammad Yusuf: I would submit that the principle underlying the motion I am making is the same. But as I want that there should be a recognition of that principle of 30 per cent. I may be permitted to refer to certain points raised by certain learned members of this Council. The question is so involved that it will be difficult to avoid touching the principle and to confine ourselves only to the motion.

Then it has been said "how will those Hindu members who naturally are responsible to their constituencies justify their position to their electors?" I would in turn ask them with what dignity, with what grace and with what satisfaction could they go before their constituency and tell them that an appeal was made to them on grounds of sentiment, on grounds of reason and on grounds of larger interests of the country and yet they did not accept it?

Now one honourable member said that after all the demand is based on sentiment. As regards that I have got to say that sentiment should not be so lightly treated. It has played a very important part in every country. It has played a very important part at all times and in all ages and it will continue to play such a part in future. I believe for my part that that is the only thing on which depends the formation of the mentality of the country which is absolutely necessary for the welfare of the country and for the achievement of the object in view, viz. complete Home Rule. Sir, unless we have a correct mentality and unless the larger majority are ever ready to concede the reasonable claims of the minority, unless they are ever ready to sympathetically treat their claims that they without prejudice to the majority will concede any right to them, they should welcome it rather than resist it and meet it by criticisms for not accepting it.

Reference has been made by my honourable friend from Muzaffarnagar that we should forget that we are Hindus and Musalmans and that we should really think that we are one. We do think that we are Indians above all. But minorities have suspicions in their minds.

minorities have fears in their minds, that fear will continue to exist as long as this transitional stage exists. When we attain the goal of responsible government there will not be the necessity for any separate representation and at that time Muhammadans, of their own accord, will be in a position to come forward and say:—"We do not want separate representation, we are fully satisfied with mixed electorates." Till that time arrives, it will be in the interests of the relations between the two communities, in the larger interests of the country and our political salvation that this separate representation should continue in order to satisfy the aspirations of important minorities when they put forward their claims before their Hindu brethren.

Now, Sir, there is another question which was very lightly touched by my honourable friend Mr. Sita Ram. He said that Muhammadans are always claiming for higher percentage and for more than 30 per cent.

The Hon'ble the President: A great deal of latitude is allowed to honourable members when speaking. I would ask the honourable member to confine himself to the motion.

Nawabzada Muhammad Yusuf: I would not detain the House much longer. I would only say that the presence of the Muhammadan members in a respectable minority would be conducive to the best interests of both the communities. They will always exercise a liberalizing influence by putting forward their independent and fresh points of view and thus they will be of great help to the board. I am sure they will not prove an obstacle or a danger to the majority in anything, but on the other hand they will be a real asset to the majority and will be helpful in working out the difficult local problems of the board. Well, Sir, it may be said that clause (*a*) has been rejected and therefore the motion on clause (*b*) has lost much of its force. To that I would say that there is nothing of the kind. I would say that, although the amendment on clause (*a*) has been rejected, I would ask this House to accept my amendment, namely, that where there is a Muhammadan population of not less than one per cent. but less than five per cent., 25 per cent. be granted, and it is only fair and proper on the ground of sentiments, on the ground of higher politics, on the ground of reason and also on the ground of expediency and larger interests of all concerned that this amendment should be accepted.

Pandit Iqbal Narayan Gurtu: I rise to oppose the amendment moved by my honourable friend Nawabzada Muhammad Yusuf. In pressing his amendmenment he made an appeal to all the functions of human nature—to human sentiments, to human reason and even to human expediency. He repeated the main argument, namely, that the principle of 30 per cent. was conceded in the compact for the Legislative Councils and what the Council should now do is that it should apply that very principle to local bodies also. Then in the name of Hindu-Muslim unity he said that it was absolutely necessary to concede to the present demand of the Muslims. I do not wish, Sir, to traverse the ground that has already been covered by the previous speakers who spoke to the last amendment. It has been clearly shown by the honourable member for Lucknow and by the honourable member for Muzaffarnagar that the compact of 1916 exclusively referred to the Legislative Councils and not to local bodies. Then as regards the question of Hindu-Muhammadan

[Pandit Iqbal Narayan Gurtu.]

unity, I have only to say that either this unity is real or it is fictitious. If it is real, it connotes trust in each other. If our Muhammadan brethren trust the Hindus, then they would not press for separate representation. They would think that even though the Hindus are in a majority, they would not deliberately go out of their way to injure their Muhammadan friends. But I find that no voice has been raised so far from the ranks of our friends over there that there should be no separate representation. They all ask for separate representation and they ask for excessive representation. The very fact that they ask for separate representation shows that somehow there is still suspicion in the minds of the two communities about each other, and therefore it is felt that it would be safe if for at least some time to come there should be separate representation.

Coming to the question of what should be the percentage of representation, my honourable friends say that in cases where the population is betwe n one and five per cent. instead of a representation of 15 per cent. being given as provided in the Bill it should be 25 per cent. and my honourable friend Nawabzada Muhammad Yusuf and others along with him are really pressing the various amendments in order that the total representation of the Musalmans on the district boards should be 30 per cent. My honourable friend for South Meerut has referred to the Municipalities Act where representation of more than 30 per cent. has already been granted to the Muhammadans, and he put a very pointed question to my honourable friends opposite. He asked them whether they were prepared to accept 30 per cent., whether they were prepared to reduce their representation in the municipal boards, and some voices on that side clearly said that they were. Now, it would be pertinent to refer for a short while to the debate that took place in the Legislative Council on this very question in connection with the Municipalities Bill, but before I do that I would draw the attention of honourable members.

The Hon'ble the President: It is not, I hope, the intention of the honourable member to read out long extracts from the proceedings of the Legislative Assembly?

Pandit Iqbal Narayan Gurtu: I would do so only so far as they would be relevant to the point as to what should be the Muslim representation on the district boards.

The Hon'ble the President: All these opinions may be relevant, but the fact that they are the opinions of members of the Legislative Assembly does not give them any more representative position than opinions of members here.

Pandit Iqbal Narayan Gurtu: May I say . . .

The Hon'ble the President: I mean to say that we had better avoid quotations. I do not know what the honourable member meant to do, but if we proceed to quote long extracts from the proceedings of other Councils we are getting no nearer to facts, because we are not in a position to say how far such opinions are more representative of Muhammadan opinion than ours are here.

Pandit Iqbal Narayan Gurtu: I only wished to refer to the principle which was at that time accepted with regard to representation on local bodies in our old Council.

The Hon'ble the President: I thought you said the Legislative Assembly.

Pandit Iqbal Narayan Gurtu: No Sir.

The Hon'ble the President: I am sorry.

Pandit Iqbal Narayan Gurtu: The principle accepted with regard to the Municipalities Act was that the Muslims should be given representation in proportion to the actual percentage of their population but that wherever the Muslim population was less than 25 per cent. in the urban areas a weightage of 30 per cent. extra would be given, viz., if it is 25 per cent. then 7½ per cent. more would have to be added so that it may become between 32 and 33. Now if that principle which was accepted in the Municipalities Act is to be applied also to the district boards, my submission is that the provision in the Bill of 15 per cent. goes far beyond the proportion which was accepted both by Hindus and Muhammadans in the Legislative Council when the Municipalities Bill was under discussion. I would only refer to the speech of Mirza Sami-ullah Beg who, I am sure, is respected both by the Muhammadan and Hindu public. He said:—

> "Then comes the question of district boards . . . There is no doubt that Muhammadans have been persistently clamouring for separate representation and so far as district boards are concerned, whatever may be the method of calculation adopted, their population is much less and their proportion is certainly smaller in district boards than in municipal areas."

Khan Bahadur Shah Badre Alam: Was he an elected or a nominated member?

Pandit Iqbal Narayan Gurtu: Now, Sir, as I have already explained, the chief principle that was accepted at that time was that representation should be given to the Musalman population according to the proportion of their population, but if it were less than 25 per cent. a certain weightage will have to be added. That was the principle accepted and in support of that principle I am quoting Mirza Sami-ullah Beg's opinion.

Khan Bahadur Shah Badre Alam: Was he a nominated member?

Pandit Iqbal Narayan Gurtu: Yes, a nominated member.

> ". . . Therefore it is quite clear that the Muhammadans should be prepared to accept a situation brought about by their acceptance of the same principle for which they have been persistent for such a long time. Therefore as far as the question of representation on district boards is concerned it would be but fair to say that the same principle should apply there also."

My honourable friend over there several times interrupted me by pointing out that Mirza Sami-ullah Beg was a nominated member. So, Sir, was the Raja of Jahangirabad.

Pandit Moti Lal Nehru who took part in that discussion also dealt with that question and very clearly said:—

> "Now it is not for me to go into the reason of this rule. It is enough for my purpose to say that this rule has found favour

[Pandit Iqbal Narayan Gurtu.]

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[Pandit Iqbal Narayan Gurtu.]

not only with Muslim representatives of the Council who took part in the compromise, but has received the common consent of the Muslim community outside this Council and has been accepted by the Local Government as well as the Government of India. Now, if we admit that principle for municipal boards, is there any reason why the same principle should not be admitted for district boards? My friend, the Hon'ble Mirza Sami-ullah Beg, has fairly conceded that if the principle of communal representation be applied to district boards, where the proportion of Muslim population is found to be much less than in municipal areas, the number of Muslim members ought naturally to be much smaller. The ratio of the Muslim population of ultra-municipal areas is a little less than 12·5 per cent. Applying the rule which we have adopted for municipal boards to district boards, in no case would the Muslims be entitled to a representation of more than 16·2 per cent."

Here, Sir, instead of 16·2 per cent. the Bill provides a representation of 25 per cent. Will my honourable friends then stick to the agreement that was arrived at when the Municipalities Bill was under discussion, viz. that the representation of Musalmans should be strictly in proportion to their population, but where it is less than 25 per cent., a weightage of 30 per cent. will have to be added, or are they going back upon it? If they are not, then according to the understanding arrived at then, the representation where the population of Muhammadans is only 5 per cent. should be only $6\frac{1}{2}$ per cent. and not more. Here, the Bill provides for 15 per cent. According to Pandit Moti Lal Nehru not more than 16·2 per cent. should be the representation of Muhammadans on the district boards in the whole province. Here the Bill provides 25 per cent. and my honourable friend and others who support him now want 30 per cent. and they blame those who oppose it. They complain that those who oppose such a demand are not fair to them, that such people do not appreciate their sentiments and want to ruin the Hindu-Muhammadan unity. In politics I know, Sir, expediency goes a great way, but consistency is also a well-recognized honourable principle observed in the relations of man to man. Let us be straightforward, let us adhere to some principle in politics.

My honourable friend and his supporters want so much more and blame the party which has the temerity to oppose it for introducing more of racial spirit, and complain that we are ruining the cause of Hindu-Muslim unity. I hope, Sir, I have been able clearly to show that the representation allowed in the Bill is very much more than the representation contemplated at the time when the Municipalities Bill was discussed, and therefore our friends should be out-voted when they now come and ask for 30 per cent.

Rai Ravinandan Prasad Bahadur: I move for the closure of the debate on this point.

The Hon'ble the President: I adjourn the Council till tomorrow.



PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

UNITED PROVINCES

TUESDAY, 7th NOVEMBER, 1922

VOL. X, NO. 2

OFFICIAL REPORT

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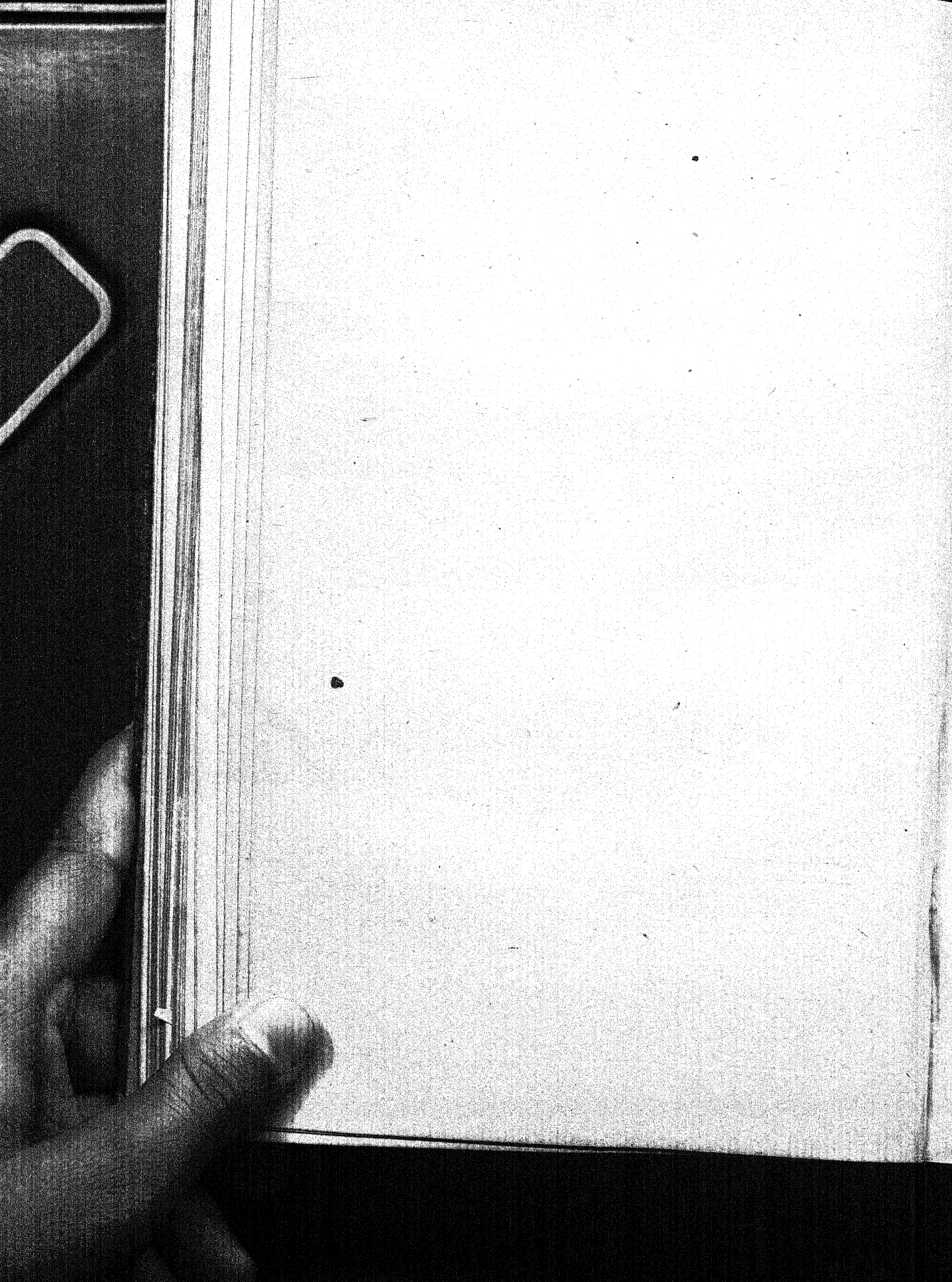
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LEGISLATIVE COUNCIL,
UNITED PROVINCES OF AGRA AND OUDH.

Tuesday, 7th November, 1922.

The Council met in the Council Chamber, Lucknow, at 11 a. m. The Hon'ble the President in the Chair.

Present:

The Hon'ble Sir Ludovic Porter.
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan.
The Hon'ble Mr. C. Y. Chintamani.
The Hon'ble Pandit Jagat Narayan.
Mr. S. H. Fremantle.
Mr. G. B. Lambert.
Mr. H. S. Crosthwaite.
Mr. A. B. Reid.
Kunwar Jagdish Prasad.
Mr. A. C. Verrières.
Mr. R. Burn.
Mr. F. F. Sladen.
Mr. C. M. King.
Mr. F. F. R. Channer.
Mr. H. de L. Ross.
Mr. G. B. F. Muir.
Lt.-Col. A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. H. M. Leake.
Mr. L. S. White.
Mr. H. W. Gill.
Mr. H. David.
Babu Khem Chand.
Pandit Govind Sahai Sharma.
Rai Anand Swarup Bahadur.
Rai Sheo Charan Lal Sahib.
Rai Ravinandan Prasad Bahadur.
Babu Chhail Bihari Kapur.
Pandit Soti Vishnu Swarup.
Major Kunwar Shamsher Bahadur Singh.
Lala Shadi Ram.
Pandit Hirday Nath Kunzru.
Chaudhri Mukhtar Singh.
Rai Sita Ram Sahib.
Pandit Nanak Chand.
Thakur Manak Singh.
Rai Man Singh Bahadur.
Rao Sheo Dhian Singh Sahib.
Munshi Narayan Prasad Ashthana.
Rai Indra Narayan Sahib.
Raja Kali Charan Misra.
Rai Daya Shankar Sahib.
Chaudhri Sardar Singh.
Babu Gur Sahai.
Pandit Brijnandan Prasad Misra.
Rai Gopal Das Sharma Sahib.
Babu Gendan Lal.
Pandit Balbhadra Prasad Tiwari.
Major Des Raj Ranjit Singh.
Lieut. Kunwar Nand Lal, Rai Bahadur.
Mahant Parmanand Gir.
Thakur Parsidh Narayan Singh.
Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Pandit Baijnath Misra.
Rai Jodh Singh B. Negi Bahadur.
Pandit Gokaran Nath Misra.
Raja Shankar Sahai.
Sardar Birpal Singh.
Thakur Rajendra Singh.
Rai Mashal Singh Bahadur.
Kunwar Dillipat Shah.
Mr. Kesari Prasad Singh.
Babu Shankar Dayal.
Rai Rajeshwar Bali.
Mirza Muhammad Sajjad Ali Khan.
Saiyid Al-i-Nabi.
Saiyid Janab Ahmad.
Qazi Muhammad Hashim.
Maulvi Shahab-ud-din.

Lieut. Kunwar Jamshed Ali Khan.
Khan Bahadur Kunwar Inayet Ali Khan.
Chaudhri Amir Hasan Khan, Khan Bahadur.
Lieut. Nawab Muhammad Ahmad Sai'd Khan.
Khan Sahib Shaikh Muhammad Yusuf.
Munshi Ata-at-mand Khan Mujibee.
Mr. Zafar Husain.
Nawabzada Muhammad Yusuf.
Khan Bahadur Shah Badre Alam.
Mr. Muhammad Ismail, Khan Bahadur.
Mr. Shakir Ali.
Khan Sahib Hakim Nawab Ali Khan.
Mr. Jafer Hosain.
Khan Bahadur Shaikh Saiyid Muhammad *alias* Maiku Mian.
Mr. Muhammad Fazl-ur-Rahman Khan.
Sardar Rahimdad Khan, Khan Bahadur.
Munshi Muhammad Zahur-ud-din Khan.
Mirza Mahmud Beg.
Lieut. Shaikh Shahid Husain.
Raja Sir Saiyid Abu Jafar.
Rai Kunwar Parmanand Bahadur.
Raja Shambhu Dayal.
Thakur Nawab Ali Khan.
Thakur Jagannath Bakhsh Singh.
Rai Vikramajit Singh Bahadur.
Pandit Iqbal Narayan Gurtu.
Mr. A. W. Pim.

QUESTIONS AND ANSWERS.

Uniformity in treatment of political prisoners.

*1. **Mr. Zafar Husain:** (*a*) Has the Government received any instructions from the Government of India with regard to uniformity in the treatment of political prisoners?

If so, will the Government be pleased to lay them on the table?

(*b*) How far is the Government prepared to act according to the advice of the Government of India in this connection?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) Yes. The Governor in Council is not at liberty to lay these instructions on the table, but they were discussed in the Council of State, and the proceedings were published.

(*b*) The instructions are being carried out by this Government.

*2. **Mr. Zafar Husain:** Has the Government, since they received the instructions from the Government of India, given them retrospective effect in the cases of any political prisoners?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: So far as it is possible to understand the honourable member's question, the answer is in the negative.

*3. **Mr. Zafar Husain:** Has the Government issued instructions to all District Officers to accord special treatment to political prisoners in future?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The honourable member is referred to the answer to part (*b*) of question No. 1 of today's date.

Arbitration courts set up by non-co-operators.

*4. **Mr. Zafar Husain:** (*a*) Are there any, and, if so, how many arbitration courts maintained or run by non-co-operators in these provinces?

(*b*) Does the Government interfere with such courts. If so, why?

(*c*) Is the Government aware that where there are such courts, people of the locality have recourse to them for relief?

(*d*) If the Government has received any report from any district to the effect that such courts are not popular, will the Government be pleased to make a special non-official inquiry, preferably by the member of the Council concerned?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) Occasionally short-lived activities of the kind indicated come to notice. They are too evanescent to permit of statistics.

(*b*) The local authorities interfere if the law of the land is infringed.

(*c*) The answer is in the negative.

(*d*) Does not arise, no report on these lines having been received.

Rai Ravinandan Prasad Bahadur: May I know as to how this interference is exercised by the local authorities?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Within the limits of the law.

Rules for the Ashra Muharram at Amroha.

*5. **Mr. Zafar Husain:** (1) Will the Government be pleased to say whether they are aware of the new rules for the *Ashra Muharram* at Amroha imposed by the District authorities this year?

If not, will the Government be pleased to inquire about them and lay a copy of the same on the table?

(2) Will the Government be pleased to explain the necessity that led to their promulgation?

(3) Is the Government aware that these rules have invoked a feeling of resentment among the Muslim population at Amroha and elsewhere?

(4) Has the Government received any memorial from the Shia community of Amroha upon the subject?

If so, what steps has Government taken upon it?

Mr. G. B. Lambert: A reply will be given at a later date.

Government grant to educational institutions.

*6. **Chaudhri Mukhtar Singh:** Is it a fact that the Government grants are only to be granted to those educational institutions whose managing bodies are registered under the Act XXI of 1860? If the answer be in the affirmative, will the Government be pleased to state the facts in consequence of which such a restriction has been considered to be necessary?

The Hon'ble Mr. C. Y. Chintamani: Yes, unless the managing body is specially exempted by Government. The condition was imposed not in consequence of any particular facts but on the general ground that it is desirable that bodies responsible for the maintenance of institutions to which public funds contribute should have a legal status.

*7. **Chaudhri Mukhtar Singh:** Is the Government aware that the schools under the different *Arya Samajes* in the province are managed by the bodies appointed by the local *Arya Samajes* and the local *Arya Samajes* are affiliated to the *Arya Pritinidhi Sabha* which is a registered body? If the answer be in the affirmative, will the Government be pleased to state if they will be awarded any grants under the recent restrictions referred to in the preceding question or the managing committees of these institutions will have to register themselves separately?

The Hon'ble Mr. C. Y. Chintamani: Government have received no information regarding the relations between the managing bodies of the various *Arya Samaj* schools in the province and the *Arya Pritinidhi Sabha*. If the managing bodies of these institutions apply for exemption from registration their applications will be considered on their merits.

Octroi in municipalities.

*8. **Chaudhri Mukhtar Singh:** Will the Government be pleased to state if there has been any circular issued by the Government asking the municipal boards to reduce the octroi duty on gums, perfumery, essential oils, silk, satin and tinsel or gold and silver lace since 1905? Does that order apply to foreign or Indian-manufactured articles or to both?

*9. **Chaudhri Mukhtar Singh:** Will the Government be further pleased to state why the municipal boards are obliged to reduce the octroi duty on the articles referred to in the preceding question? Will the Government be further pleased to state whether these articles are mostly imported from foreign countries into this province?

*10. **Chaudhri Mukhtar Singh:** Will the Government be pleased to state if circular Nos. 179—185, Government of India, Home department (Muncipalities), Simla, dated the 17th September, 1903, laying down instructions for levying octroi duties on different articles is still in force? If the answer be in the affirmative, will the Government be pleased to place on the table a copy of that circular or at least an extract of paragraph 5 of that circular?

*11. **Chaudhri Mukhtar Singh:** Is it a fact that the municipal boards are forced to tax Indian-manufactured articles more heavily than imported articles in accordance with the circular referred to?

*12. **Chaudhri Mukhtar Singh:** Will the Government be pleased to state if there are municipalities in the province which are charging higher octroi duties on Indian-made refined sugar than on foreign sugar imported within their municipal limits? If it is a fact, will the Government be pleased to ask these municipal boards to change their schedules so as to charge more on foreign sugar than on Indian-made sugar?

The Hon'ble Pandit Jagat Narayan: Answer will be given at a later date.

Forest Committee.

*13. **Pandit Soti Vishnu Swarup:** When does the Government propose to give effect to the recommendations of the Forest Committee?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The honourable member is referred to the answer given to question No. 100 asked by Rai Sita Ram Sahib on the 24th October, 1922.

Vocational subjects in Intermediate Colleges.

*14. **Pandit Soti Vishnu Swarup:** Will the Government be pleased to state if it is proposed to introduce vocational subjects as optionals in intermediate colleges? Are any vocational subjects—and which—being taught in any intermediate college?

The Hon'ble Mr. C. Y. Chintamani: The matter is under the consideration of the Board of High School and Intermediate Education.

Yes. Commerce.

Pandit Soti Vishnu Swarup: May I ask in which of those intermediate colleges Commerce will be taught?

The Hon'ble Mr. C. Y. Chintamani: In several colleges. I shall be prepared to give the information at a later date if the honourable member will repeat his question.

Retrenchment Committee.

*15. **Pandit Soti Vishnu Swarup:** Will the Government be pleased to lay on the table a statement showing the progress that the Retrenchment Committee has made so far, giving an idea of its recommendations that have been adopted and otherwise?

The Hon'ble Sir Ludovic Porter: The honourable member is referred to the replies to questions Nos. 106 asked on the 24th October, 1922, and 75 asked on the 27th October, 1922.

Pandit Soti Vishnu Swarup: Are there any recommendations of the Retrenchment Committee which have not been given effect to?

The Hon'ble Sir Ludovic Porter: Necessarily. It is quite impossible to give effect to the recommendations affecting services and administration generally by a stroke of the pen.

Time-scale to drill masters.

*16. **Pandit Soti Vishnu Swarup:** Is the Government aware that the salaries of school drill instructors unlike other school teachers have not been put on a time-scale basis? Will the Government be pleased to consider their case?

The Hon'ble Mr. C. Y. Chintamani: The answer to the first part of the question is in the affirmative. The case will be considered when the financial situation improves.

Separation of Executive and Judicial functions.

*17. **Pandit Soti Vishnu Swarup:** What steps are being taken by the Government towards the separation of Judicial and Executive functions?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The honourable member is referred to the reply given to question No. 145 asked by Pandit Nanak Chand at the meeting of the Legislative Council held on 24th October, 1922.

Pandit Soti Vishnu Swarup: Is it a fact that the Bihar Government has introduced . . .

The Hon'ble the President: The honourable member can have no outside information as it is not within the cognizance of this Legislature.

Compulsory primary education in municipalities.

*18. **Pandit Soti Vishnu Swarup:** Will the Government be pleased to state which of the municipalities in the United Provinces have introduced compulsory primary education? What reasons have other municipalities given for not introducing it?

The Hon'ble Pandit Jagat Narayan: As regards the first part of the question, the honourable member is referred to the answer given to question No. 17 on the 27th October, 1922. As regards the second part, while some boards are not in favour of the scheme others are unable to introduce it for financial reasons.

House accommodation difficulty at Cawnpore.

19. **Pandit Balbhadra Prasad Tiwari:** (*a*) Is the Government aware of the deplorable state of house accommodation at Cawnpore, which is admittedly the most expensive place in Upper India and the difficulties experienced by their officials, particularly the members of the ministerial establishment at Cawnpore, who are driven to pay as much as 20 to 30 per cent. of their pay as house rent? If so, what steps do they intend taking to mitigate their sufferings?

(*b*) What steps has the Government taken on the numerous representations submitted to them off and on by the members of the different departments in the matter?

20. **Pandit Balbhadra Prasad Tiwari:** Will the Government arrange to build quarters for them just as mill-owners have done for their employees and the Government themselves have also done for the higher paid gazetted officers of different departments located at Cawnpore?

Mr. H. S. Crosthwaite: Government are aware that house accommodation is expensive in Cawnpore. They are considering whether it will be feasible to relieve the difficulties of lower paid Government servants by some scheme such as the Lukerganj scheme at Allahabad. The chief difficulty is of course the present condition of the provincial finances.

21. **Pandit Balbhadra Prasad Tiwari:** If owing to the present financial stringency it is not possible to lay out big capital for building quarters, will the Government give some sort of immediate relief to the non-gazetted Government officials at Cawnpore, who feel the pinch most, by the grant of a temporary house allowance on the lines of the "Presidency allowance" which is in vogue in Calcutta, Rangoon, Bombay, etc., till such time as Government quarters are built for them?

Mr. H. S. Crosthwaite: Government will consider the question. The difficulty is that if a house allowance were granted in Cawnpore it would have to be extended to several other large towns and the eventual extra burden on the provincial finances would be very considerable. The allowance would have to be given not only to clerks but also to officers who have no official residence and have to pay excessive rent. There is also the danger that house owners might at once enhance their rents by the amount of the house allowance, as where the demand for house accommodation exceeds the supply the rentals tend to be regulated by the ability of tenants to pay.

Supply of Civil List and Police Administration Report to Members of the Legislative Council.

*22. **Pandit Nanak Chand:** Will the Government be pleased to supply copies of the Civil List and Annual Police Administration Report to those members of the Council who want such publications for Council work?

The Hon'ble Sir Ludovic Porter: The honourable member is referred to answer No. 11 for the 1st of November. These publications are in the Council Library, and it is understood that members who require them can take them away for a time.

Pandit Nanak Chand: Has Government any objection to supplying even the Annual Police Administration Report to the members just like other Administration Reports?

The Hon'ble Sir Ludovic Porter: I am afraid it would involve too much expenditure. If there are not sufficient copies in the Council Library and if the honourable member requires, more copies will be placed there. I hope that will probably meet with his views.

Strike of Patwaris in Dehra Dun.

23. **Pandit Nanak Chand:** Will the Government be pleased to state if there was any strike of the patwaris in Dehra Dun district during the last year and a half? If so, for how long did it last, what is the total number of the patwaris in the district, how many of them went on strike, and what were the grievances which led to the strike, and have those grievances been redressed?

Mr. G. B. F. Muir: An answer will be given at a later date.

Exemption from Arms Act.

24. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state what action it took on the assurance given in connection with the resolution for the exemption from the Arms Act passed by this Council on the 15th February, 1921?

(*b*) Will the Government be also pleased to lay on the table the views of the Government of India if such were received on a reference being made to them?

Mr. G. B. Lambert: (*a*) A copy of the proceedings was forwarded to the Government of India.

(*b*) No reference in the matter has been received from the Government of India, but as the honourable member is aware the whole subject of the Arms Rules has recently been considered by a committee appointed by the Government of India.

Professorship of Medical Jurisprudence and Materia Medica at King George's Medical College.

25. **Pandit Nanak Chand:** Has the Government decided what steps to take on the proposal to split up the post of Professorship of Medical Jurisprudence and Materia Medica at King George's Medical College into two professorships?

Kunwar Jagdish Prasad: The matter lies wholly within the competence of the University.

Chief Readers attached to District Officers.

*26. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to lay a statement on the table showing the age of the chief readers attached to District Officers in these provinces who have been granted extensions of service ?

(*b*) Will the Government be pleased to consider the possibility of combining the functions of the steno-typist and chief reader in one and abolishing the post of chief reader in view of the fact that both these posts have light work ?

The Hon'ble Sir Ludovic Porter: (*a*) Inquiry will be made and the information desired will be supplied to the honourable member.

(*b*) Government consider it quite impossible to combine the functions of steno-typist and chief reader in a district office. The qualifications and functions of the two posts are entirely dissimilar.

Abolition of the posts of Jamadars in tahsils.

*27. **Pandit Nanak Chand:** Will the Government be pleased to consider the advisability of abolishing the posts of jamadars in the tahsils in view of the fact that they are no longer required to arrange for supplies and carts for officers on tour which constituted their main functions ?

The Hon'ble Sir Ludovic Porter: It cannot be admitted that the chief function of a jamadar in a tahsil is to arrange for supplies and carts to officers on tour. Inquiry will be made whether the revised arrangements for touring will make it possible to reduce the number of peons in a tahsil.

Deputy Collectors.

*28. **Pandit Nanak Chand:** Will the Government be pleased to state—

(1) how many probationary deputy collectors were trained at Moradabad this year ?

(2) how many of them had exercised first class criminal powers previous to their training ? What are their names and what is the length of period during which they had exercised such powers ?

The Hon'ble Sir Ludovic Porter: (1) Forty-seven.

(2) A list is laid on the table.

List referred to in the reply to Council question No. 28 for the meeting of the 7th November, 1922.*

(1) Munshi Rafat Ali Khan	About one year and three months.
(2) Khan Sahib Munshi Bashir Ali Khan ...	About eight months.
(3) Munshi Ali Hasan Khan	About six months.
(4) Babu Raj Gopal	
(5) Pandit Lachmi Narayan Chaube ...	
(6) Thakur Ram Rajpal Singh	

*29. **Pandit Nanak Chand:** Will the Government be pleased to state if there are any temporary deputy collectors who have not been approved for deputy collectorship and still have been acting as such for over a year; if so, what are their names and what is the length of period for which they have been working as temporary deputy collectors?

30. **Pandit Nanak Chand:** Will the Government be pleased to state if there are any temporary deputy collectors who have not been made permanent as tahsildars; if so, what are their names and for how long they have been acting as temporary deputy collectors?

The Hon'ble Sir Ludovic Porter: The honourable member is referred to the answer to question No. 76 for the 28th of October. The information asked for is available in that reply and in the Civil List.

*31. **Pandit Nanak Chand:** Will the Government be pleased to state if there are any approved candidates for deputy collectorship who are still working as tahsildars?

The Hon'ble Sir Ludovic Porter: Since the answer to question No. 77 for the 28th of October was given the last remaining tahsildar candidate has received an appointment.

Statements of accused persons "edited" by Court.

32. **Pandit Nanak Chand:** Is it a fact that the District Magistrate of Bulandshahr expunged a portion of the statement of the accused in King-Emperor versus Mahabir Prasad Tayagi under section 124A of 1921 and the subdivisional magistrate of Bulandshahr tahsil expunged a portion of the statement of Raghbir Prasad accused in King-Emperor versus Raghbir Prasad and others under sections 188 and 341 of 1922? If so, will the Government be pleased to inquire and state under what provision of law these officers expunged the portions of the statements of the accused?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: A reply will be given at a later date.

ELECTION FOR THE COURT OF THE ALLAHABAD UNIVERSITY.

The Hon'ble the President: The election of five members to the Court of the Allahabad University is fixed for today. As on the previous occasion the Secretary of the Council will be the returning officer and will supply ballot papers. All members should vote by 1 o'clock.

THE UNITED PROVINCES MUNICIPALITIES (AMENDMENT) BILL, 1922.

Pandit Nanak Chand: I move that the Bill to amend the United Provinces Municipalities Act, II of 1916, be passed.

The motion that in clause 2 the sub-clause amending clause (*c*) of sub-section (3) of section 14 of the said Act be re-lettered as (*d*) was put and adopted.

The motion that re-lettered sub-clause (*d*) of clause (2) be further re-lettered as (*e*) was put and adopted.

Mr. G. B. F. Muir: I move that for clause 3 of the Bill the following clause be substituted :—

"3. For section 16 of the said Act the following section shall be substituted, namely :—

"16. (1) Subject to the exceptions stated in sub-section (2) every person enrolled as an elector in the municipal electoral roll shall be qualified for election.

Qualifications of candidates.

(2) A person, notwithstanding that he is otherwise qualified, shall not be entitled to stand as a candidate for election if he—

(*a*) has been dismissed from Government service and is debarred from re-employment therein, or

(*b*) is debarred from practising as a legal practitioner by order of any competent authority, or

(*c*) holds any place of profit in the gift or disposal of the municipal board, or

(*d*) is disqualified under section 27 or 41, or

(*e*) is a stipendiary magistrate or police officer, or

(*f*) is unable to read and write English or at least one of the vernaculars of the province :

Provided that in cases (*a*) and (*b*) the disqualification may be removed by an order of the Local Government in this behalf."

The amendment which I have moved is a consequential one, and the only change which it actually effects in section 16 of the Act is that in sub-section (1) a reference to the candidate list is omitted. As all electors will henceforward be entitled to stand as candidates, there is no object in maintaining a separate candidate list, and therefore instead of saying that "a person enrolled as an elector in the municipal electoral roll shall be qualified to be entered in the candidate list," the amendment is that "every person enrolled as an elector in the municipal electoral roll shall be qualified for election."

Thakur Hanuman Singh: I rise to move that in clause 3 of the Bill in "section 16(2) (*a*)," after the word "dismissed" put a "comma" and the following words :—

"after criminal trial and conviction."

The Hon'ble the President: The motion should have been moved when the Bill was under consideration and not when the Bill is to be passed. It is obviously not a consequential and formal amendment, and cannot therefore be moved at this stage.

The motion was therefore disallowed and Mr. Muir's amendment was put and adopted.

Mr. G. B. F. Muir: I move that the following clause be added as clause 4 of the Bill :—

Marginal note—

Amendment to section 19 of the United Provinces Municipalities Act, II of 1916.

"In sub-section (2) of section 19 of the said Act, clause (*b*) shall be omitted and clause (*c*) shall be re-lettered as clause (*b*)."

Clause (*b*), which it is proposed to omit, has reference to the candidate list, which will now no longer be required, and therefore the retention of this clause is unnecessary.

The motion was put and adopted.

The motion that the United Provinces Municipalities (Amendment) Bill, 1922, as further amended be passed, was put and adopted.

THE UNITED PROVINCES DISTRICT BOARDS BILL, 1921.

CLAUSE 5.

Rai Kunwar Parmanand Bahadur : I have been anxious, and for more than one reason, to have an opportunity to speak on this motion. The difficulty which has appeared with regard to it has not arisen for the first time. Whenever the question of communal representation as between Hindus and Muhammadans has arisen, there has always been some difficulty ; but happily it has always been satisfactorily solved, and I see no reason why the same result should not be obtained on this occasion. So far as Muhammadans are concerned, the principle of arithmetical proportion has not been consistently adhered to. In connection with the local Council, in connection with their seats on the municipal boards, considerations outside of arithmetical calculation always influenced the responsible representatives of the country, who had to help in the determination of those questions. Whatever our differences on other points may be, I think to the question "on what depends the prosperity, happiness and the political progress of India" there can only be one answer, and that is, "upon the genuine and lasting unity of Hindus and Muhammadans." The question with which we are now dealing is really a part of a much larger question. The unity or otherwise of Hindus and Muhammadans comes into play in our everyday life and in every political, social or socio-political institution. Whether we deal with questions relating to education, agriculture or those relating to zamindars and tenants, we have always to bear in mind that the understanding come to between Hindus and Muhammadans on the point at issue is satisfactory to both. It is natural, Sir, that when a claim is made on the basis of a right which is denied those against whom the claim is made should put forward their point of view and oppose it. I am one of those who feel that, the less we talk of the relative rights of the two communities, the less we look at the matter from the point of view of what, according to weights and measures, one party is entitled to get and the other to give, the better. The more we press the question of right, the more we increase our difficulties. I have before me now, Sir, the views expressed on this question when the Jahangirabad amendment was being considered. Pandit Moti Lal, who was referred to yesterday by my friend the member for Muzaffarnagar, on that occasion said that over a question like this his motto was peace at any price. The Hon'ble the Law Member of the Government of India, our esteemed and distinguished friend and countryman Dr. Sapru, on the same occasion expressed himself as follows :—"I believe in the moral influence of a compromise, and having regard to the larger issues before us, and having regard to the fact that after all what we are parting with is not so considerable, I would make an earnest appeal to

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my friend to accept this amendment, to patch up our differences, so that when the time comes for higher questions, we may present the spectacle of a united house in India." The views which Dr. Sapru on that occasion expressed, and the reasons which he then put forward, were applicable to the conditions which then existed. In my opinion they are equally applicable to the conditions which exist now. A question such as the one which is now before us has always been solved, as I said before, by considerations outside arithmetical rules. What we have done before, in my opinion we should do now, and decide the question in sweet reasonableness and in the right spirit of give and take. If one party were always to demand and raise each demand in arithmetical progression, it is only natural that the resistance from the other side should also become more marked and vigorous. I say again, let us look at the matter in all sweet reasonableness: the question now immediately in our hands is not so important as the larger question to which it really pertains. If we are determined to have Hindu-Muslim unity, and have it on fair and lasting terms, we cannot do better than look at this particular question from the point of practical politics. If the claim now put forward is in itself hurtful and injurious to the Hindu community, they will to some extent be justified in resisting it. If, on the other hand, we find, even on the assumption that the claim should not have been made, that in giving 36 more seats to the Muhammadans in 52 districts of these provinces we give them something which has added to what they already possess, it will not make any material change in the position, and that the Hindus would still be enormously in the majority as compared with the Muhammadans, the request should be accepted to strengthen mutual good-will. I would earnestly appeal to both the parties to change their angle of vision and to meet this question in a friendly spirit. It may not yet be possible for us to remove the wall of separation altogether, but let us lower it sufficiently so that we may be able to shake hands over it. I am aware of the arguments, which have considerable force, that if unreasonable demands are to continue interminably, are they always to be accepted? My answer is that those who have watched the progress of things, those who have noticed the changes that are coming on, must have perceived that the desire for unity on either side is growing stronger and stronger every day and should check unreasonableness on either side. If we go to the non-co-operators and see what they are doing, and if we attach any value to the utterances of Pandit Moti Lal and Hakim Ajmal Khan, what do we find? We find an appeal day after day for this unity. Speaking of the unfortunate occurrence in Multan, Hakim Ajmal Khan, an admitted leader of a section of the Muhammadans, had no hesitation in declaring that the Muhammadans were at fault. I mention this not to arouse any feeling, but only as an instance of the right spirit. In communial matters the position is slowly becoming more and more hopeful. I think we should create an atmosphere which will enable the feeling of give and take and brotherly relations to increase. In this Council if we think of the achievements (if there are any to its credit), I think I might say in that connection that we have so long carried on our work, whatever our other shortcomings, with perfect good feeling between Hindus and Muhammadans and without any spirit of hostility at all. If we can really be proud of this, we each and all should make an endeavour to maintain that condi-

tion. Compare ourselves with the Punjab and you will see the difference. This, I have no doubt, is largely due to the tact and the skill with which the members of the Government and our Ministers have carried on the work of this Government. To a large extent, I think, the members may also be congratulated on the spirit in which they assisted the debates in this Council. It would, in the view I take of the matter, be improper for me to discuss the merits of the question. I only say that if we make an effort we should be able to settle it amicably. Not very long ago my friend the honourable member for the Allahabad University said "If there is a will there is a way," and I hope, assuming that we have the will to determine the question in a friendly spirit, that we shall be able to find a way in the course of the afternoon.

The Hon'ble Sir Ludovic Porter: I wish to say a few words in personal explanation of the vote which I myself and other officials gave yesterday and also to support with all the eloquence—or the lack of eloquence—in my power the appeal which the honourable member has just made.

With regard to this matter I may point out to the Council that this particular enactment in the Bill is not vital to the Bill. The Hon'ble Minister, my colleague, has said so and he has also said that he will be guided by the decision of the majority in this House. In those circumstances I considered, and I still consider, that it was not only free for officials to vote, but it was their duty to do so. They were free to vote as they wished: but in a matter like this in which unfortunately no agreed compromise has been arrived at as yet between the Hindus and Muslims in this House it is not only the right but the duty of officials to register their opinion. This is a case in which the rights, or rather the claims, of the minority are concerned and it is a case on the merits of which most of the officials of this House are, if I may say, peculiarly competent to judge, owing to their long administrative experience. Under the constitution officials have a right to vote, and I consider that on an occasion like this to refrain from doing so would have been a dereliction of duty.

Referring to the committee of 1918, of which I was President, the compromise in that case was arrived at by the Hindu and Muhammadan members without any kind of interference or suggestion on the part of the officials. It was consequently accepted as the considered opinion of the whole committee. Whatever may be the reason, I may point out, however, that that compromise and our other suggestions were never embodied in a Bill—not from any fault of the Local Government but because the higher authorities, the Government of India, considered that it would be better to leave the whole question to the Reformed Council. That was an agreed compromise at that time, but whatever be the reasons—I am not competent to judge or to know what the reasons are—it is not now acceptable to the Muslim members, the elected representatives of the Muhammadan community in this Council. Consequently, I would ask you now to deal with it, putting aside all questions of race and religion. If I may quote the words which His Excellency used at the Lucknow University the other day, "Make an effort to get from words to realities." Will you consider what this proposal means in practice, whatever the theoretical rights and wrongs may be. The Muhammadans, taken strictly by population, are entitled to 12½ per cent., I believe, or something like that. As a

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matter of fact a concession has been made to them of 25 per cent.; they are asking for 30 per cent. You are making a concession which does not satisfy them. Is it not better to go a little further and make another slight concession which will satisfy them? The whole effect of the amendment of my friend Nawabzada Muhammad Yusuf if accepted—and that is the amendment which I voted for and intended to continue voting for—will be to add 38 seats to the 232 which the Muhammadans already get under the Bill. The total number of seats in the province is now 901. It really is a mere flea-bite. I believe even if it be granted that the Muhammadans will remain in a minority in practically every district in the province.

There is another fact which I will urge on you. I have been for many years a district magistrate and it has been my experience—and we know as a fact—that the Muhammadans have always held on the district board a proportion of seats far in excess of their numerical numbers. I think the present proportion is something over 50 per cent. No, I am wrong. It is of course nothing like that all over the province, but it reaches that proportion I believe in some districts, and in more it reaches a high figure. They hold those seats with the consent of their Hindu neighbours, owing largely to the fact that they possess in their ranks a large proportion of administrative ability and—I am glad to think—to the fact that many Muhammadan landlords are on such good terms with their Hindu tenants that the Hindu tenants are perfectly willing and anxious that they should represent them on the board; and under the old system, which was largely by nomination, I may say that they enjoyed the confidence of the district authorities. I am saying this in no spirit of disparagement whatever of the Hindu community who are equally good and equally competent. Such was the happy condition in the past. Under the provisions of the Bill necessarily a large proportion of these seats will be lost to the Muhammadans. At the best their numbers will come down to 30 per cent. even if this amendment is accepted. I would ask my friends opposite to consider that this cannot but be galling to men who for many years passed have held this position.

Pandit Hirday Nath Kunzru: May I ask how the Muhammadans lose such a large proportion of seats? In accordance with the figures supplied to us the other day it would appear that they occupy about 24·5 per cent. of the seats. 240 seats out of a total of 980.

The Hon'ble Sir Ludovic Porter: I may be wrong. In certain districts they hold 50 per cent., in others a very much smaller proportion, but that does not affect my argument as to certain districts in which they hold a large proportion. In any case this is a matter in which I do not want to introduce any element of discord. I accept the correction pointed out by Pandit Hirday Nath Kunzru. We have to face the fact that the Muhammadans are in a minority and that they cannot hope in some districts to regain the predominant position which they held. I would earnestly ask my friends opposite to consider this question. By making this small additional concession—I say it is small and I think on the merits of it it is a fair concession—they can give complete satisfaction, as I understand, to the Muhammadans in this Council.

I may add another word, and that is, that we should earnestly hope that if this course be adopted our Muhammadan friends will be equally yielding on further controversial questions which will be found on this paper, and that they and the Hindu landlords will come to an agreed compromise on the equally thorny question of taxation, which touches their pockets.

The Hon'ble Mr. C. Y. Chintamani: It was my firm intention, as far as possible, to avoid taking any part in the discussion on the clause relating to communal representation. There was a temptation yesterday afternoon to depart from this determination when my noble friend the Hon'ble the Home Member, interrupting the honourable member for Muzaffarnagar, contradicted his statement that the settlement reached between the Hindu and Muslim members of the Rule 13 Committee of 1918 received the support of leading members of the community who were not members of the committee. As I happened to be a member of the Rule 13 Committee which sat under the chairmanship of the present Finance Member, and as further I, in conjunction with Pandit Moti Lal Nehru, happened to take a somewhat active part in the discussions that resulted in that settlement, there was something for me to say with regard to the contradiction that was made by the Hon'ble the Home Member. But I did not think it was necessary for me to intervene and give my own version of facts as they occurred in the absence of any statement more elaborate than the simple 'No' from that quarter. Now, however, that my honourable friend the Finance Member has intervened in this discussion, and, intervening, did not content himself with a statement of his own position and that of official members in general in justification of or with regard to the votes they recorded yesterday, but made an earnest and eloquent appeal to the Hindu members of this Council in behalf of the amendment that has been moved by my honourable friend from Allahabad, I think it is due to the Council that the Ministers should not be absolutely silent. As I unfortunately missed the earlier part of the Hon'ble the Finance Member's speech I am unable to say whether he spoke in his individual capacity or *ex officio* on behalf of the Governor in Council.

The Hon'ble Sir Ludovic Porter: I stood to explain my personal view and the personal attitude which I have taken up and to explain the reasons why I considered officials were competent to vote on this question.

The Hon'ble Mr. C. Y. Chintamani: I take it then that the part of the speech which expressed opinions on the merits of the question at issue was made on his own behalf in his individual capacity and the explanation that was put forward of the vote recorded by the members on this side of the Chamber yesterday afternoon was more or less of the nature of an *ex officio* statement on behalf of the Governor in Council. The honourable member will correct me if I am not rightly interpreting the meaning of the statement which he has made.

The Hon'ble Sir Ludovic Porter: I am sorry to interrupt my honourable friend. I pointed out that this was not a point vital to the Bill and I stated the reasons why I considered that officials were entitled to vote and it was their duty to do so, and I explained my and their personal positions.

The Hon'ble Mr. C. Y. Chintamani: I do not think anyone here has questioned or can question the competence of official members to vote or of any other members here. I do not think anyone can make a grievance of the fact, that on a question that the Governor did not make one of the questions upon which the official votes were to be at the disposal of the Government, they acted individually as they chose. If there is a disposition to make a complaint of that action in any quarter, I certainly do not share that opinion and I do not make a complaint of it. I take it, I assume as it is our duty to assume, that every single vote recorded embodied the personal convictions of the member who gave that vote.

Now, Sir, the Hon'ble the Finance Member, referring to the statement embodied in the report of the committee of 1918, stated that the Government's position then was that it would accept any agreed settlement reached between the Hindus and Muhammadan members. It is a perfectly correct statement of facts. At the very first sitting of the committee the honourable member in his capacity of chairman announced on behalf of the head of the Government that it did not wish to interfere with the discretion of the Hindu and Moslem members of that committee and would accept without question any agreed settlement. But I am also glad to find that the honourable member did not omit to state that it was accepted as the considered judgment of the whole committee when it finally came to be embodied in the report. The honourable member will remember that when after several sittings Syed Wazir Hasan on behalf of the Muslim members and myself as a Hindu member presented our conclusions to that committee the official members thought it was an eminently fair and generous settlement of the question. The Hon'ble the Finance Member himself was explicit in his opinion that it was an eminently fair and generous settlement. The honourable member then said that this settlement was not however embodied in a Bill. The fact is that legislation could not be proceeded with in the late Council, as was originally the intention of the then Government, because of interposition from above. Not that there was any doubt or misgiving in the mind of the Government about the nature of that settlement, but that on account of other matters embodied in the report of that committee and in the letter of the Local Government the Government of India did not agree to the introduction of the Bill without material amendment. That statement, I take it, does not mean that there was any doubt in the mind of the Government as it was constituted before January, 1921 as to the wisdom or propriety of embodying this settlement in a Bill.

In the latter part of the speech my honourable friend made an appeal to the Hindu members of the Council to accept the amendment that is now before the Council and subsequent amendments on similar lines that are on the order paper. In doing so he mentioned the facts as they are at present. He pointed out the excessive representation which Muhammadans have on district boards as they are constituted at present. That is a fact, and if the honourable member will peruse the proceedings of the late Legislative Council from the year 1916 onwards he would find many references to this question in those proceedings in the nature of requests, suggestions and criticisms from all sections of Hindu members as to the necessity of an early amendment of the District Boards Act

with a view to redress the inequality and to repair the injustice which the existing arrangement constituted to the Hindu population. Yesterday afternoon my honourable friend the member for the University cited some passages from a debate that took place in 1916 in the late Council when the Jahangirabad amendment was before it in order to show that it was the unanimous demand of the Hindu members, including those who were supporters of the Jahangirabad amendment, and it was agreed by the more moderate section, at all events, of the Muslim representatives that it was a necessary consequence of the concession made in the matter of Muslim representation in Municipalities that a more or less similar arrangement should be made in connection with the district boards also. Where my honourable friend is not on the solid ground of fact, I am afraid, is when he stated that it is with the consent or at the instance of the Hindus that the muhammadans happen to occupy their present position in the district boards. I am not aware of the source of my honourable friend's information which justified the confident statement. But so far as I know, I do not think it is a well-founded statement. As is well known the electorate of district boards at present is more or less a body of men selected by the Collector and Magistrate either on the recommendation of subordinate officers in that district or of his own motion. It is not based on prescribed qualifications of residence, property, tax-paying capacity, education or any other known and ascertainable criteria which go to make up electorates. It is merely the individual will of the district officer for the time being of which the present electorate is the expression. Secondly, there is a large element of nominated members. There was a complaint made when last the number of members of almost every district board was substantially increased by Sir James Meston as Lieutenant-Governor, that in making those nominations the Government not only did not take care to redress the balance from the point of view of the Hindus but made such nominations as to increase the disparity and worsen the position the Hindus occupied relatively to their population and importance in the various districts. I do not think it can be put forward as an argument, which can possibly convince the critics of the amendment now before the Council, that at the present moment there is inequality in the district boards and that therefore the amendment should be accepted.

The Hon'ble Sir Ludovic Porter: May I point out that I never used that argument? I only wished to point out that they had occupied possibly an unduly predominant situation.

Pandit Hirday Nath Kunzru: May I remind the honourable member that the Hindu tenants wished to be represented by Muhammadans on the board.

The Hon'ble the President: The Hon'ble Minister can take care of his own argument.

Lieutenant Nawab Muhammad Ahmad Sa'id Khan: May I ask whether Hindus or Muhammadans formed the majority of voters nominated by Collectors?

The Hon'ble Mr. C. Y. Chintamani: I have stated that in the nominations made by Sir James Meston's Government at the time a substantial increase was made in the total strength of district boards. Care was not taken then to redress the balance on behalf of Hindus, but the

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disparity between the two communities in spite of their numbers on the district boards was accentuated by the nominations made. I have no information beyond this. I should certainly require time in order to be able to cite exact figures to answer the question which my noble friend the Nawab Sahib has put, but I am pretty confident of the correctness of the statement I have made because I dealt with the question in another capacity and at another place at the time this particular step was taken by the then Government. I have here the figures showing the numbers of Hindu and Muslim members, or to use the phraseology which alone is technically correct in these days and has been since the Jahangirabad amendment, Muslims and non-Muslims. These numbers here furnished to the Council on the 28th October do not support the statement that has been made that the Muhammadan community will sustain any numerical loss on account of the arrangements that are found embodied in the Bill now before the Council. It is quite probable that in certain districts—I am sure only of a few districts—there may be a diminution, but I have, on a comparison between the position as it will be under the Bill when it becomes law and the position as it is, ascertained that in several districts not merely will the Muhammadans not suffer by reason of the Bill with the clause as it stands becoming law, but their position will distinctly improve. I am not prepared to say whether it will be in a good many districts, but I am certainly prepared to say that it will be so in several districts. I have made a detailed comparison between the two statements that were on the table yesterday, district by district, and I have ascertained, firstly, that in a few districts there will be a diminution but in several districts there will also be an increase, and in the result they will not suffer by reason of this Bill being passed into law.

There is another consideration that is very advantageous when the numbers as they are and the numbers as they will be are considered. It should be remembered that the Muslim members who will hereafter sit in district boards will be members elected by separate communal electorates, in other words members enjoying the special and particular confidence of their community. It has always been an argument in support of separate communal representation that Muhammadans who have managed to get into Councils or local bodies either as elected members going from mixed electorates or as nominated members happen to be mandatories of the majority of the community—this was the phrase in vogue—or men whose main concern would be to please the Government or the district officers, but that whatever be their number they could not be accepted as the accredited representatives and spokesmen of the Muslim community and its interests. This Bill, following the precedent set in the Municipalities Act of 1916 and since followed in the case of this Legislative Council, provides for separate Muslim electorates. It is a factor the importance of which is apt to be minimized, as separate representation is now accepted as a settled fact, but so long as it remained a question of acute contention its importance was never minimized by either its advocates or its opponents. Not merely will the number of Muslim members not suffer a diminution, taking the province as a whole, not merely will their proportion not be less than it is at present, taking the province as a whole, but there is this additional and substantial advantage that these Muslim members will be the

authorized accredited spokesmen of their community. Now, when the principle of separate representation has been conceded in spite of all that there is to be said against it so far at least as local bodies are concerned; further, when excessive representation—not nominally excessive but substantially excessive, as even a casual perusal of the provisions of the Bill shows—has been conceded, when the amount of this excessive representation is so considerable that in years before even the Government which suggested excessive representation did not venture to put forward proposals to concede so excessive a representation, it stands to reason that those Hindus who are unable to accept this amendment are not so hopelessly wrong if they feel that there must be some limit, some finality to such transactions. Certain principles were accepted when the Jahangirabad amendment was before the Council. It has been demonstrated yesterday, and last night I verified the correctness of the statement, that the weightage that is given by this Bill is considerably larger than the weightage that was allowed in the municipalities by virtue of the Jahangirabad amendment. I have further seen that the weightage that is allowed by this Bill is larger than was ever proposed in any official statement in behalf of special representation.

It has been pointed out that the provisions embodied in the bill were not arbitrary, were not imposed upon any community, but were the result of settlement between the Hindu and Muslim members. On behalf of the Muslim members the then Secretary of the All-India Muslim League was there, supported in the course of discussions by the honourable Mr. Raza Ali, then an elected member of this Council, now a member of the Council of State and one of whom neither a Hindu nor a Muhammadan can or will say that he is wanting in zeal in stating or pressing the demands of his community. I am aware also that Saiyid Wazir Hasan before giving his final assent to this settlement asked the chairman, Mr. Porter as he then was, to postpone the committee for some weeks in order to enable him to ascertain the opinions of leading members of the community before giving his final assent. He was able to state at the final sitting of the committee that the Council of the Provincial Muslim League had authorized him to accept the proposals to which he had given his personal assent earlier. There was no note of dissent by any Muhammadan member on this point. The burden of proof is altogether on the other side. If after all this they now come forward and wish to disturb a settlement that has such authority behind it, I venture to think, after hearing what was said yesterday afternoon, and after I have heard the very friendly, the very moderate and the very persuasive argument of my honourable friend the Finance Member this morning, that, whatever may be one's individual opinion, no one who feels himself unable to support this amendment and to disturb the settlement made in 1918 is open legitimately to any blame whatsoever. I myself in view of the part I took in the settlement of 1918, in view of the adhesion given to that settlement then and after listening to all the arguments since then, recorded my vote yesterday afternoon against the amendment and, without meaning the slightest injury to any Muslim interest and with every intention that the arrangement should not only be fair but generous, I regret to say that I remain unconvinced after the statement made by my honourable friend, the Finance Member, that we do anything that is wrong or improper or open to legitimate criticism if

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we adhere to the plan of the Bill and try to prevent any of the amendments from succeeding.

Mr. Shakir Ali: I heard the honourable members of the Liberal League yesterday and came to some conclusion. This morning I have had the chance of hearing the learned Minister of Education, also a member of the Liberal League, and I find that from their very name they pose as great liberals full of generosity and liberality. But our position is quite distinct. We do not stand upon our proportion in these provinces, we do not request the Hindus to be generous, to give us double our proportion, but we claim as of right a proportion higher than our proportion in these provinces on the basis of our political importance. It is our political importance on the basis of which we put forward our claim. I do not come with a begging attitude to my Hindu brethren and ask them to give us 25 per cent. in item (*b*) as a piece of charity. I should at the very outset say that I am not talking here to heavenly beings, to non-co-operators, to humanitarians, to philanthropists, but I am talking to co-operators—only co-operators—men who are after loaves and fishes, who are after Government gifts, whose greatest ambition is to be Ministers. We are talking to men like these and I should like to tell you what the secret of this hubbub is. The secret is that after they have got their end, they will brandish this 25 per cent. in the face of the Government and say that Government has been giving these depressed classes, the Muhammadans, 35 per cent., 40 per cent., 45 per cent. of Government posts. But they have themselves in their deliberations in the Council accepted 25 per cent. Then why should Government wish to give them more. Before I discuss this point I would like to say what had been in their minds when they brought this into the body of the Bill. This, I am afraid, is a pre-concerted arrangement. They had every right, they had every plausible argument for them, had they incorporated the scale given in the Municipalities Act. But why was this scale given? The Ministers, the Liberal Ministers of the Liberal party, have incorporated in the Bill this scale on the alleged basis that it had emanated from the Rule 13 Committee. Had they accepted all the principles laid down by the Rule 13 Committee?

The Hon'ble Pandit Jagat Narayan: Yes.

Mr. Shakir Ali: I say the Minister is emphatically wrong. Had they incorporated all the principles laid down by the Rule 13 Committee . . . .

The Hon'ble Pandit Jagat Narayan: Yes.

Mr. Shakir Ali: No. I again say. They discarded the Rule 13 Committee which proposed that a certain taxation should be incorporated. They did not like to put that into the Bill, because they were afraid of the majority of the taluqdars; but they were not afraid of the Musalmans, because poor Musalmans were in a minority. They came down from their pedestal in the matter of taxation. They are coming down every day, giving one per cent. now and one per cent. again, and are ready to meet halfway the taluqdars who are in a majority. They are ready to meet, because they are afraid of the taluqdars. They are not afraid of us. Their ulterior motive was that they knew that

the Muhammadans were holding posts far more than their actual number was. I would like to take the Council into the percentage of some of the Government posts . . .

The Hon'ble the President: Government posts or district board memberships ?

Mr. Shakir Ali: With due respect, Sir, may I point out that my point is that on the analogy of the percentages we have got on other bodies we should have more than 25 per cent. ?

The Hon'ble the President: I do not consider such arguments relevant.

Mr. Shakir Ali: I bow to your ruling. All the speeches of yesterday and this morning came upon me with some surprise, though not great surprise. The points which were discussed can in a nutshell be classed under three heads. The first is that this Council is bound by the conclusions of the Rule 13 Committee. The second is that Musalmans in rural areas have got 12 per cent. and they are now being given more than double, i.e., 24·5 per cent. and they should not demand more. The third point is that the Muhammadans have not made out a case for 30 per cent. With regard to the first point my submission is that I have tried to demolish that by stating that the conclusions arrived at by the Rule 13 Committee should not be accepted by this House as sacred because we have discarded many of its principles. I will not have time to take the Council into the details, but I have already pointed out one of the main principles from which the men responsible for drafting the Bill have receded. With regard to the second, I have always stated that if Muhammadans are allowed more than double it is not very strange. Our claim is that we should have got half and it is our charity and generosity that we are ready to accept 30 per cent. The Hindu religion itself gives us 50 per cent. Many of the honourable gentlemen have been telling us that we are like two sons of the same parents. If we are two sons, each son should get an equal half.

Rai Sita Ram Sahib: What about the third son—Christians ?

Mr. Shakir Ali: The third son is being neglected. We are trying for swaraj. The third son is being shelved and this very word "swaraj" is a Hindu idea.

Pandit Nanak Chand: Perhaps you don't want it.

Mr. Shakir Ali: My friend Pandit Nanak Chand interrupts me by saying that I do not want swaraj.

The Hon'ble the President: The honourable member had better develop his own argument and ignore the interruptions.

Mr. Shakir Ali: Then, Sir, if we are like two sons we should be given half. It should not be divided *pro ratâ* among the children of the two sons.

Thakur Hanuman Singh: The honourable speaker has forgotten that he is in Oudh where Oudh law prevails.

The Hon'ble the President: I did not catch what the honourable member's remark was. If it is an argument he had better wait and speak himself when the honourable member for Basti has finished.

Mr. Shakir Ali: Then, Sir, the second point in that connection is that we should throw ourselves on their mercy. We all know what would be the result. The United Provinces of Agra and Oudh have got a population of 48,014,080. Among this the Hindus are 4,07,05,353 and the Muslims 69,04,731. Among the Hindus the Brahmans are 46,59,738 and the Chamars 60,76,081. The Chamars are just as much Hindus as Brahmans themselves. They have been neglected by the Hindus; but still they have got more claims upon the Hindus than we have. We come in a lower degree of "depression" than the Chamars. We are *malikshes*. We belong to the depressed classes. The Chamars are their kith and kin. They embrace the same religion as the Hindus, whereas we do not. How have they been dealt with by their Hindu brethren? You will not find a single Chamar elected by the Hindus. This House is filled with Brahmans and by the twice-born sections of the Hindus. Why? The reasons are obvious. The Government, I am glad to find, had to step in. They nominated a member of the depressed classes to the Council. The Hindus did not help the depressed classes. I think the time will come when, if we go on like this, we will also have to go to Government and ask them to intercede on our behalf and nominate us from among the depressed classes. My Muhammadan brothers, it is time that we should make a bold front . . .

The Hon'ble the President: Order; Order. I will ask the honourable member to address the Chair.

Mr. Shakir Ali: Through you, Sir, I will ask my Muhammadan friends to come with a solid front, and never forget the beautiful lines of Hâli, which were uttered over twenty years ago. The great poet of blessed memory knew what was coming to Muhammadans in India, and in the following gifted words he said:—

گھڑیال اور مگرمچھ ہیں اُن کو نگلے جاتے
دریا میں مچھلیاں جو کمزور و ناتواں ہیں

سنبھلو و گر نہ رہنا یاں اِس طرح پڑیگا
کچھہ بھیل و گونڈ جیسے گُمنام و بے نشاں ہیں

تم سے تھے تو تھامو عزت کو قوم کی کچھہ
اپنے تو قافلے سب پا در رکاب یاں ہیں

Then again Maulana Hâli says:—

یہہ غفلتیں مبادا ایک روز بد دیکھائیں
ڈھنڈھلے سے کچھہ نشاں ہیں در ھی کہ مٹ نہ جائیں

The last line is full of pathos. In those days we were dreaming of United India, of giving up all our claims, and merging into the Hindus and losing our identity. My request to the Muhammadans, Sir, is that they should try to keep themselves alive to show that they have got their independent existence and that they have not to depend upon anybody. If they live in that manner, they will be able to do great things, but if they merge in the great body of Hindus, they will lose their existence.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I owe an explanation to this Council with regard to the word "No" that I said in the course of the speech by the honourable member for Muzaffarnagar.

It seemed to me that he wished to base his argument on the strength of the report of the Rule 13 Committee and its representative character. If I am incorrect, I hope the honourable member will correct me.

Pandit Hirday Nath Kunzru : I am happy to say that the Hon'ble the Home Member is incorrect. I did not say all representative institutions. I said that the members of the committee did not arrive at a settlement in their individual capacity but also consulted prominent men of either community, and although the decision might not have been unanimous certainly the sober elements on both sides accepted the compromise.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Being the President of the All-India Muslim League then, I thought it was my duty to say that neither any representative institution nor all the most responsible people were consulted. It may be correct that in the words of the honourable gentleman for Muzaffarnagar a die-hard like myself might not have been left out, but the most liberal-minded men like Mr. Kunzru must have been consulted.

Pandit Hirday Nath Kunzru: I never meant to include the Hon'ble Raja Sahib among the die-hards. It was far from my intention.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I assure the honourable member that I never attach any importance to such statements, because in the course of debates such things must happen. The whole thing was again mentioned by my honourable friend the Minister of Education in his speech. The Hon'ble Minister of Education repeated the same arguments, and I am sorry to say that it is not correct that all the members of the All-India Muslim League were consulted, or that it was formally put before the meeting of any provincial or the All-India Muslim League.

The Hon'ble Mr. C. Y. Chintamani : I did not mention the All-India Muslim League. I said that Saiyid Wazir Hasan told the Rule 13 Committee that he had been authorized to state that the committee of the Provincial Muslim League assented to the arrangement.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Imagine the extent of the secrecy! The Secretary of the Muslim League does not see his way to consult the President with regard to the proceedings which were carried out in a closed chamber and its proceedings were never published and here we are to attach so much importance to the results of that committee.

Rai Sita Ram Sahib : May I know, Sir, if the Hon'ble the Home Member was President of the All-India Muslim League or the Provincial Muslim League ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I was the President of the All-India Muslim League.

Rai Sita Ram Sahib : The Hon'ble Minister of Education referred to the Provincial Muslim League, and not to the All-India Muslim League.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Being a member of that league, I absolutely deny that any such question was ever referred to that league. I am not going to enter into this controversy. Being a member of this Government, I am unable to take either sides. (Hear, hear.) Of course, if I had been allowed to make a speech like the one which has been made by the Hon'ble Minister of Education, I would have certainly spoken in the same strain.

Lieut. Shaikh Shahid Husain: Before I discuss the motion I wish to say how glad I am that the Hon'ble Minister of Local Self-Government has been restored to health and has come back to us with full vigour. I think we all appreciate that in spite of his long and continuous illness he was able to devote his time to his ministerial work during his illness. It was undoubtedly very great credit to him. I also thank him for the kind reference he made to me personally. If it was a bit sarcastic, I was not surprised at it, because there is a Persian verse:—

جمال همنشیں در من اثر کرد

I know personally that he is not in that habit himself.

Coming to the motion itself, Sir, it has been with the greatest pain that I have been a witness to the most unedifying scene that has ever happened in this Council. What happened yesterday it appears is going to be repeated today. It will certainly please the Sydenhamites and O'Dwyerites, but it will not help us in attaining the goal that we are all aiming at.

The whole conception of the Bill before the House today has been unfortunate all round. It began with the Rule 13 Committee. That number itself is unfortunate. It may be it was largely responsible for the illness of the Hon'ble Minister in charge of it. I believe even today the other Minister, on account of the passions roused, was getting a bit choked; but may I remind the Ministers most respectfully, most earnestly and again in the Persian expression:—

تو برائے وصل کردن آمدي نے برائے فصل کردن آمدي *

* *Translation.*—I have come to unite, not to part.

Is it a pleasure to anybody that the Muhammadans should be voting on one side and my Hindu brethren should be voting solid on the other side? Will that help in that provincial autonomy which we are seeking at an early date? But who is responsible for it? One paper has made an amusing suggestion that the zamindars are responsible for it, as if they had a hand in piloting the Bill. None of it. In the ranks of the zamindars there has never been this unseemly sight. We have met again and again and we have shown a united front and I hope that when the zamindars take counsel together they will always be united and not divided. Is this the method which the Hon'ble Ministers have chosen to assist in successfully carrying this Bill in this House? It is always said:—What is the alternative? I submit that there is still an alternative. Instead of this matter being debated and discussed in this manner here, it would be better even now if the Ministers take courage in their hands and use their personal influence among both the Hindu and Muhammadan members and try to come to a settlement outside.

Why wash dirty linen in this Council ? I earnestly approach them with this request that before there is any further bad feeling between the members on this communal point, they should hold a meeting in that auspicious hall not far from here—I refer to the Baradari where from the time that it was built there has never been a Hindu-Muhammadan question. I appeal to them most earnestly that it is not too late yet. It has been said again and again that I am one of those who wish to wreck the Bill. Well, I certainly consider this Bill unfortunate; I consider the way in which it has been piloted most unfortunate, but I will do my humble utmost to help the Ministers, if instead of taking sides, instead of trying to accentuate differences, they make a genuine attempt to bring about an understanding. That understanding is not possible if we go on as we went on yesterday or as we are going on today. I hope the Hon'ble Ministers will not take it in an impertinent light. Everyone of us can make suggestions. It is a friendly suggestion, and I think a suggestion worthy of their consideration. An adjournment for a day will not matter much. It would only mean that the Ministers, to save the situation, would take us into their confidence and let us discuss it out in every manner possible and then try to effect a reasonable compromise and get it settled here amicably and without bitterness. After all, I submit it as a humble suggestion. It lies on the Ministers themselves to accept it or not. It is unfortunate that even the Cabinet seems to be divided; most unfortunate, because among the Members of the Cabinet we have one member who composed All-India differences, who was responsible for the Congress and the Muslim League compact. Cannot the Ministers utilize his services as well ? After all, if All-India differences can be composed, what is the difficulty in settling the differences of one province; it is a question of effort. The Hon'ble Ministers should not rely on the support of the official benches. They should really try to be our spokesmen and it is their duty to compose our differences and they should not shirk it. I again in the end most respectfully appeal for this procedure, for if it is not adopted it will lead to further bickering, further trouble and more bad blood.

Raja Shambhu Dayal spoke in Urdu.

Major Kunwar Shamsher Bahadur Singh: I beg to draw the attention of the House to the fact that the argument has taken a very unfortunate turn indeed. The honourable members have made it a personal subject and the whole argument between the Muhammadans and non-Muhammadans has been on personal or religious grounds more than anything else. In this discussion the main point in view should have been and should be the usefulness of the members, their qualifications and personal influence, in their respective districts on whose boards they are to serve. In districts where the Muhammadans do not have landed interests or personal influence, I say they would not be capable of rendering any assistance in the affairs of the district board; while in those districts where the Muhammadan members are in a majority, have landed property and personal influence, to appoint Hindu members in such cases will be just as absurd. This point should have been and should be discussed with this object in view, to carry out the work with success and not waste time in discussing the question of majority and minority. The question of appointment of members largely depends on circum-

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stances and for successful working favourable advantage should be taken of the prevailing circumstances in each district.

I beg to draw the attention of the House, Sir, to the fact that the conditions between the membership of the municipal and district boards vary greatly. The district board area is very large compared with that of the municipalities, and the work of the district board members does not only consist in discussing schemes, but often means support, both financial and of labour, while, on the other hand, inquiries and inspections at long distances are by no means cheap in these hard times. Gentlemen, the membership of district board brings responsibility and expense with it. Think!

I personally think that the members should not make a religious matter at all of this point, but consider it from the point of view of the help they are able to render and their usefulness when serving on the board, and unite in carrying out the object of this Bill which is now before the House. I would further beg to suggest that the turn the argument has taken means unnecessary waste of time, and would only open out the wounds which the Hindu and Muhammadan leaders of the present day are trying to heal.

In the case of municipal membership the confined areas are very small and the members have to only discuss matters for which the funds are chiefly responsible. I do not think it would be any harm if the desired increase of 5 per cent. was given to the Muhammadan members under the circumstances I have pointed out, if it would please them.

I think it would be very much better if the Council adjourns half an hour earlier and the members sit together and discuss this point at a round table conference, not from the religious or personal point of view but from the point of view of the prosperity of the Bill and unite in making this Bill a success. With these few remarks I beg to suggest that the debate on the point should cease.

The Hon'ble Pandit Jagat Narayan: I have no intention to follow in the footsteps of my gallant friend Lieut. Shaikh Shahid Husain or of my friend Mr. Shakir Ali. I wish only to make a statement of facts. In the beginning of the debate I had already stated that I would take no part in the discussion on this matter on the merits, and I have no intention of doing so now. My attitude is the same, notwithstanding the heat and passion which have been introduced in the debate. Mr. Shakir Ali was pleased to say that these sections which provide for separate communal representation to the Muhammadans on the basis of the recommendations of the Rule 13 Committee were the result of a conspiracy between the Ministers or between the Ministers and somebody else, and the Minister who was responsible for the framing of this Bill had not followed the lines laid down by the Rule 13 Committee. I deny both these assertions. I may inform him that the first Bill that was drafted on the basis of the Rule 13 Committee, I believe, was drafted in 1920 when I was not a Minister at all. If he had cared to study the Bills he would have seen that the present Bill was not the first Bill that was drafted, and if he takes all the three Bills he will find that the drafts were actually based word for word on

the recommendations of the Rule 13 Committee and that the various clauses were modified and altered from time to time to meet the objections that were raised. The question is why these proposals about representation were incorporated in the Bill and were not changed. I think the answer is very simple. After receiving this report the Government issued a notification publishing the report and asking the public to criticize the provisions of the Bill. This report was also sent to every Commissioner and District Magistrate for criticism. Then the Government also asked every district board of the province to express an opinion on the clauses embodied in the Bill.

Out of 34 officials, Commissioners and District Magistrates—who submitted their opinions perhaps barring one,—I am not quite sure—none had to say anything against these clauses. Out of 48 district boards, 32 boards submitted their opinions—perhaps barring one here also, I am not quite sure—none of them criticized the representation that was given to the Muhammadans. Here the members will not forget that I am not supporting one side or the other. I am simply stating facts as they are. Firstly, I am not prepared to admit that the Hindu and Muhammadan members of the Rule 13 Committee had no representative character. Secondly, none of the officials to whom the Bill was referred objected or made any suggestion with regard to this proposal. Thirdly, when the district boards were consulted they all accepted the clause and they had no objection to urge against this clause. Fourthly, none of the public bodies composed of Muhammadans ever passed any resolution that these proposals were not acceptable to Muhammadans. One or two non-officials who submitted their opinions said that the proposals were fair and just. I am not expressing any opinion. I am only quoting their opinions. I believe honourable members are aware that when the Rule 13 Committee published their report my gallant friend Lieut. Shaikh Shahid Husain was a member of the Council. There were other Muhammadans who were also members of the then Council. Everybody was asked to give his opinion and they will be surprised to know that no objections were received, so far as the files show, either from the British Indian Association or from any body of Muhammadans. Therefore what was I to do in the circumstances? I adopted the Bill that was already framed in 1920. No objection was put forward to this clause till the matter was discussed in the Select Committee. My Muhammadan friends who were members of that Select Committee will bear me out that the very first suggestion that I threw out was that the Government have incorporated this provision in the Bill, because it is based on an agreement arrived at between the Hindu and Muhammadan members of the Rule 13 Committee and will abide by it. But if the Hindu and Muhammadan members of the Select Committee come to an amicable settlement and thereby the Muhammadans are given further concessions I will gladly accept it. Even up to the present day I have adopted that attitude. Therefore I do not know what justification my very particular friend and admirer had to say that I was taking sides in this matter. Further on, where is the question of conspiracy? I think that in this present discussion we should not be carried away by the heat of the controversy. I am quite sure that those honourable members who have said anything either against the Ministers or against one another will be sorry afterwards for what they have said today or yesterday. I consider it highly undesirable that the debate should be carried on on

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the lines adopted by Mr. Shakir Ali. These are the facts, and I leave them in the hands of my Muhammadan friends. I leave it to them to decide whether my attitude and the attitude of the Government who are responsible for the drafting of this clause is fair or not.

Thakur Manak Singh: Most of us remember the story of the two women who were quarrelling over a child, each of the women claiming that the child was hers. You further remember that the spurious mother of the child welcomed the suggestion of the judge to divide the child into two.

Kunwar Jagdish Prasad: Is this domestic episode in order, Sir?

The Hon'ble the President: I think so.

Thakur Manak Singh: The spurious mother, I repeat, welcomed the suggestion made by the magistrate that in order to give satisfaction to both the parties the child must be cut into two, but the genuine mother said that she would rather lose the child altogether than cut it into two. Exactly this has been the situation of the Hindu community in the politics of this country. In the march for freedom times without number there have been occasions when disintegrating counsels have been put forward and the Hindu community has had to say that instead of cutting the child into two, you might have the whole of him. Muhammadans have put forward excessive and exorbitant claims for seats of power in the Councils and local bodies and the only fault which the Hindus have committed is that they have identified themselves with their country more and have bent their knees to the Baal of patriotism, and therefore they thought it better to yield rather than kill the child. Sir, they say of the under-graduates joke at Cambridge that when the senior wrangler bends his knee before the Vice-Chancellor for taking the "wooden spoon" they sing "virtue kneels before vice." This joke of the Cambridge under-graduates has materialized in the history of politics of this country. Whenever there has been such an occasion, virtue has had to kneel before vice. Sir, Shakespeare made one of his characters say:—"Corruption wins not more than honesty," but uniformly in these cases corruption has won more than honesty. The proportion of our fellow-countrymen in the rural areas is about 12 per cent., but the Rule 13 Committee has conceded them 25 per cent under a compact arrived at by the leaders of the communities and in the municipalities they have been conceded more than the double, and still we find that we are being accused of being jealous of our fellow-countrymen and that we grudge them their due. Does it lie with any grace in the mouth of any of these gentlemen after having obtained 25 per cent. instead of 12 per cent. in the rural areas, that we are partial to Hindus in spite of the fact that we have yielded about 30 per cent. in the provincial council? Can anybody justly say that we have been jealous of our fellow-countrymen? I would only say that because we had the misfortune of loving India more, like the genuine mother we had to concede more. Sir, in that story with which I began my speech the magistrate was an impartial man. He delivered the child to the mother who offered to abandon the child rather than have it cut into two. The lot of these two

communities in this country has unfortunately been very different. Destiny has put the Government in the position of arbiters, and inheriting from the Romans the dictum of *divide et impera*, it has, instead of acting like the impartial magistrate in the story, penalized, victimized the self-abnegating, the generous. Even in this matter a more self-respecting, a more impartial position for the Government to take should have been that after having referred the matter to a Rule 13 Committee and after receiving their decision it should have accepted their recommendations and supported the decision of the leaders of the two communities who formed that committee. However, if the Government did not like to do that, it should have been absolutely neutral and left the matter to be decided *de novo* by the non-official members of this Council. It did not accept any of these alternatives, but it adopted a camouflage of neutrality under which almost all the official votes with the exception of two or three were recorded in favour of the amendment. Sir, it is an irony of fate that people who deserve 12 per cent. get 25 per cent., people who deserve 15 per cent. get 30 per cent. and people who deserve 30 per cent. get 58 per cent. and still they have the audacity to repeat *ad nauseam* that the other community which has yielded so much with its eyes open, not under any pressure, not under any compulsion or weakness but being stimulated by a desire to propitiate its sister community with whom it has to live for ever, is jealous of the Muhammadans. Nobody says that the Muhammadans are a depressed class, but are the Hindus by reason of their being in a majority in this country to be considered a submerged class? Even though we gave these concessions, it was they who in the first instance moved the question of special representation, it was they who moved the question of excessive representation. In spite of all these motions we have had the generosity—I must repeat again—of giving them more than they deserved and still we are blamed of being jealous. Sir, history repeats itself. The time has come when the Hindus must stand for their rights. It is unfortunate that in spite of all that they have conceded so far there has not been even a modicum of recognition of that fact on the part of the Muhammadans. Nowadays when nobody can swallow the suggestion of inequality of a status between an Indian and an Englishman between one portion of the Empire and another, it strains one's nerves to hear a talk of political importance being sermoned to us. The British Government and the British people, who consider themselves as having conquered this country by the sword . . .

The Hon'ble the President: Is the honourable member still speaking to the motion?

Thakur Manak Singh: Yes, Sir.

. . . cannot be allowed to talk of political importance, of differentiation of status as compared with that of an ordinary Indian. The talk of political importance by our Muhammadan friends is simply nauseating to say the least. One of the gentlemen said that if we concede a little more, there is no harm to us, because the Muhammadans would still be in a minority. But I would ask my Muhammadan friends that if this concession is such an insignificant thing, why do they want it. If it is absolutely immaterial whether this is given or not, and if it does not make any alteration in the status of the Hindu community or the Muhammadan community, why do they want it. Because we have conceded so often, the fate of Sindbad in the

[The Hon'ble the President.]

Arabian Nights is being repeated. The old man sat on his neck and whenever he seemed to talk of relieving himself he offered to strangle him. In spite of the concessions that we have, times without number, made, our Muhammadan fellow-countrymen ride on our necks and threaten to strangle us whenever there is a move on our part to relieve ourselves of this iniquitous burden.

So far as the question of 33 per cent. representation is concerned, I do not understand on what basis this demand is made. The only thing that was intelligible to me was that the Muhammadans based the demand on the Congress-League compact. At the time the Congress-League pact was entered into, there were the claims of different provinces. Under the pact Muhammadans had to consent to a diminution in their representation in some provinces and obtained excessive representation in the Provincial Council in these provinces. Then it was a question of "give and take." Here it is only a question of "give, give," nothing of "take." There is no possibility of this demand being accepted because obviously the question of "give and take" presupposes the necessity of there being plurality in the objects of division. Here there is only one province and we are faced with a demand of "give us, give us and give us like this." They say: "Although we are 12 per cent., give us 30 per cent.; although we are 14 per cent., give us 30 per cent.; although we are 15 per cent., give us 30 per cent." Will any dispassionate gentleman after having heard this demand in all its nakedness ever dare to say that we are anything but generous to a population of 12 per cent. in these provinces? The Rule 13 Committee which sat specifically for this purpose decided like this. Its decisions were accepted by the leaders of the two communities. The decision therefore must be deemed to be absolutely final. What to talk of justice? What to talk of generosity? You go to the length of charging us that we are unfair. Human nature will have to be reversed if all these charges are to be taken home.

Maulvi Shahab-ud-din: Sir, I move that the debate may now be closed.

The Hon'ble the President: The Council will now adjourn for three-quarters of an hour.

The Council reassembled after lunch. The Hon'ble the President in the Chair.

Lieut. Nawab Muhammad Ahmad Sa'id Khan: I want to make just a few observations on what has fallen from the Hon'ble the Finance Member and from my friend the Hon'ble Minister of Industries and Education. My honourable friend the Minister said that he did not believe that the present Muslim members . . .

Rai Mashal Singh Bahadur: The honourable member is not audible on this side of the House.

Lieut. Nawab Muhammad Ahmad Sa'id Khan: The statement was made perhaps by the Finance Member that the present Muslim members of the district board owe their existence to the kindness and confidence of their Hindu voters. This was contested by the Hon'ble Minister of Industries saying that these voters are nominated by the

Collector. They may be nominated or elected members, but there is no doubt about it that every list of voters in districts contains an overwhelming majority of Hindu voters. Those Muslim members who are returned by the Hindu voters of course do owe their existence to the confidence and trust of their Hindu voters. The effort that the Hon'ble the Finance Member made this morning to arrive at a conciliatory settlement of this communal friction I think was a step that no patriotic Indian can be ashamed of. I am sure that we are doing a great disservice to the country, Muslims and Hindus both, by having such quarrels in this House. I would like to ask my Hindu friends, do they know what an unedifying scene we are presenting to the people outside the House? I wish this amendment had not been moved by Muhammadans and I wish that if it was moved it had not been contested by the Hindus. Do we know that instead of accelerating the pace towards *swaraj* we are putting a stumbling-block in the way of *swaraj*.? I will request my Hindu friends, now that they had the excitement of a skirmish yesterday and they have tasted the lust and happiness of a victory, to come down and meet us half-way and accede to our desires. Let us say—

"Jhuki zara chashm jangju bhi
Nikal gai dil ki arzu bhi
Bara maza us milap men hai
Ke sulah ho jai jang hokar."

It has been said by my friend the honourable member from my own district that Muhammadans are asking continuously for more and more and what have they given in return? I would say that, poor as we are, we have not been backward in meeting the Hindus' demands. Have we not reduced cow-killing? Not only the Muhammadans of India have done so but our co-religionists on the other side of the Himalayas in deference to the Hindu opinion here have stopped cow-killing. Besides, we are perfectly willing in any way to meet them half-way. Well, Sir, officers are badly attacked for siding with the Muhammadans yesterday. I would say only that by doing like this we are proving that there is a necessity of having some European element in India and by siding with the minority they have proved the same thing.

Clause 5, sub-clause 1(*b*).

Motion no. 6.

Pandit Hirday Nath Kunzru: Mr. President I do not propose to go round and round in the circle of arguments in which we are revolving today. Argument is exhausted; there is nothing new to urge on either side; but if I ventureto intervene in the debate at this stage, it is only to reply to a few statements of facts which were made by certain honourable members earlier in the day. Kunwar Parmanand Sahib referred to the views of Dr. Sapru, and quoted from a speech of his, possibly delivered in connection with the Municipalities Bill in this Council. He would have us believe that Dr. Sapru was not for fixing any proportion and that he was entirely for conceding all claims simply because they were made. Now, the principle which underlay the Municipalities Bill was explained at some length in a debate which took place in this Council in July, 1916. My honourable friend, the member for the University, dwelt with it at such length yesterday that I shall not be justified in referring to it in detail, but as in spite of his detailed presentation of the facts and arguments which were advanced on that occasion, honourable members seem

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to be under a misapprehension in regard to the attitude of the members who took part in the discussion on the Municipalities Bill, I think even at the risk of repeating what has been said already, it is necessary to mention some of the salient facts connected with that discussion again. Mirza Sami-ullah Beg, who took part in the discussion, expressly stated that the Muslims had asked for the recognition of a certain principle in connection with their representation on municipalities, and that it was only fair that they should abide by it in regard to their representation on district boards. Pandit Moti Lal Nehru was far more explicit than Mirza Sami-ullah Beg. His explanation of the compromise arrived at in regard to the Municipalities Bill covers a page of the printed proceedings of the Council. As the honourable member for the University pointed out yesterday, two concessions were made to Muhammadans in that Bill. One was that wherever their population was less than 25 per cent. of the total population, they should be given a weightage of three-tenths, i.e. of 30 per cent. I will take an illustration. Suppose the Muhammadans somewhere numbered 10 per cent. of the population. They were to have representation as if they actually formed 13 per cent. of the population. The second concession was, that where they were more than 25 per cent. of the population their representation was to be pushed up to 38·5 per cent. At the outset, then, in the second case they were to have an extra representation of a little over 50 per cent. Here in this Bill we have made a concession of a cent. per cent. and yet our Muhammadan friends are not satisfied.

Besides, the Council should bear in mind that the figure of 38·5 was not an arbitrary figure. It represented the Muslim proportion of the total urban population in these provinces. Well, if that principle were to be applied now to the district boards, the Muhammadans instead of being gainers would be losers. Their rural population is only a little over 12 per cent. of the total rural population. It means, then, that in accordance with the compromise arrived at in 1916, they cannot be given a weightage larger than the one which would enable them to have 12 per cent. representation, and if the total Muslim population in these provinces is taken into account, that is, whether rural or urban, they cannot expect to get more than 16 per cent. of the seats on the district boards anywhere. Yet we have conceded them 25·5 per cent. of the seats on the district boards. Have they anything to complain of in that?

Are we really standing for our absolute rights? Are we merely for representation on the basis of population? Have we not conceded a great deal for the sake of unity, for the sake of expediency, to which the honourable member for Basti referred, for the sake of good-will, which is so necessary for the advancement of the country? It seems, to say the least of it, ungenerous on the part of my Muhammadan friends to treat the concession that has been made to them as something already gained by them, as an inalienable possession of theirs, and on the basis of that to advance further claims which, even if they are not granted, cannot make their position worse.

Then look at another aspect of the compromise arrived at in regard to the Municipalities Bill. The total number of seats granted to Muhammadans in excess of their numerical proportion amounted, I think, to about 30 throughout the whole province, while on district boards

their representation has been increased by about 120 seats, if we are to accept the figures supplied to us by Government in the statement laid on the table yesterday. Are we dealing in a niggardly spirit with them? Have we not shown brotherliness? Have we not shown the nationalism which they expect of us as fellow-citizens, as inhabitants of the same country?

Clause 5 (1)(*b*).

Pandit Hirday Nath Kunzru: The honourable member for Basti said to us that he did not ask us to give the Muhammadan community any concession and he thought that it was their right to have 50 per cent. of the seats. In the speech which he delivered he even surpassed himself. I leave it to abler persons to deal with his performance. I only hope that the spirit which informed his speech is not the spirit of the Muhammadan community in general.

I will now, Sir, leave this topic and address myself to the remarks made by the Hon'ble Raja Sahib of Mahmudabad. I do not wish to refer to them in any hostile spirit at all. The Hon'ble Raja Sahib told us that he was not consulted in 1918. I am open to correction on that point, but I assure him sincerely that I was informed long ago that the President of the All-India Muslim League was consulted, and I hope that it is not merely a lapse of memory that has made him say now that he was not consulted. But I gladly leave that point, for that is not material to the discussion in hand. I will rather deal with the suspicion of the Hon'ble Raja Sahib that in my opening speech yesterday I regarded him as a die-hard. Far be it from me to say that I, or any member of the Liberal party, regarded the Raja Sahib in those days as a die-hard. We all know that he worked in the interests of unity and for the achievement of further rights leading to full self-government, and if I may say so without offence, and I hope the Hon'ble Raja will let me say so, it is a personal disappointment to me that he has come down from the high ground of nationalism which he occupied not very long ago. I say this in no cavilling, no carping spirit. I sincerely recognize the work done by the Hon'ble Raja Sahib in 1918 and 1919, but, I cannot help expressing my regret that he does not occupy the high ground which he occupied then.

Lastly, I come to the speech of the Hon'ble the Finance Member. It was a surprise to me. It required more than ordinary courage on his part to justify the action of the officials yesterday. Of the 18 permanent officials one remained neutral; one voted for adherence to the compact arrived at in 1918 by the committee presided over by Sir Ludovic Porter; and all the rest voted for the tearing up of that compact. The Hon'ble the Finance Member said to us that the official members were not merely within their right in voting, but that it was their duty to vote; that the matter concerned the rights of a minority and that they were peculiarly qualified to appreciate it by reason of their long administrative experience. If his speech was not a direct invitation to officials to act again as they did yesterday, I am unable to understand its meaning. But, Sir, I am afraid that, on the ground of justice, the Hon'ble the Finance Member is precluded from taking up the position, the astonishing position, which he did this morning. The report of the Rule 13 Committee states, as my honourable friend the Minister for Education and Industries pointed out in his crushing speech reply to Sir Ludovic

[Pandit Hirday Nath Kunzru.]

Porter this morning, that the settlement in regard to Hindu-Muslim representation was arrived at "by the non-official members of the committee." This settlement was accepted by the Government *in toto*. Government left it to the non-official members solely to decide the matter. The question was considered again in the Select Committee, and in the report of that Committee I find this statement: "The Hon'ble Minister for Local Self-Government announced that the Government would be prepared to accept any agreement reached between the representatives of the Hindu and Muhammadan communities, but in the absence of any such agreement would support the scale contained in the Bill" (Hear hear). I am, Sir, at a loss to understand how the Governor in Council has now executed a complete *volte face* and thrown the Minister over-board . . . If Government did not wish to abide by the old agreement; if they wish to instigate a community to tearing up that agreement, to refuse to abide by the promises and assurances given in the past, they might at least have remained neutral. But, we find that in spite of the fact that in 1918 the matter was left solely to the non-official members of the committee and the Hon'ble Minister of Local Self-Government gave an assurance that in the absence of any compromise agreed to between the Hindus and Muhammadans Government would support the scale laid down, the Hon'ble the Finance Member justified his own action and that of his colleagues in voting against it. I am afraid his arguments will not hold water and I hope I may say without offence publicly what I said to him privately yesterday that it will be long before many o us will be reconciled to the action which he took yesterday in going bac on the recommendations of the committee over which he himself presid

The Hon'ble the Finance Member did not merely content hims with justifying the action of the officials yesterday, but he addressed an appeal to us today that we might well go a little further and give to the minority a little more than what was justified by its numbers. Surely nobody can know better than the honourable member opposite that we have not insisted on our rights and that we have given the Muhammadans 120 seats more than they are entitled to. Some honourable members say 144. Perhaps there is some difference in our calculations; in any case the number of seats which had been given to the Muslims over and above that to which they are entitled by their population is very considerable. The honourable member was this morning obviously under the misapprehension that the Muslims throughout the province occupied 50 per cent. of seats. I say nothing about the misapprehension; anybody might be misinformed even on a cardinal point, but I was surprised to hear him say, when his mistake was pointed out (which he gladly accepted) and he was told that the Muslims did not occupy more than 24·5 per cent. of the seats that it did not affect his argument. What does affect his argument, then? Has he come with preconceived notions which no argument or reasoning can dispel? If this is the state of the honourable member's mind and of those who sit behind him, it is useless for us to say anything. To argue with them is to waste words. Yesterday out of the 42 members who voted for the tearing up of the compact 16 were officials. Well, in view of that action and in view of the speech delivered by the Hon'ble the Finance Member which, I am sorry to say, was almost a direct invitation to official members to vote in favour of the Muslim claim, I ask why Government do not

openly come forward and make themselves responsible for the amendments put forward by the Muhammadans? It would be more honest if they did so. It would be better than that they should leave behind the feeling that they were stabbing us in the dark and behind our backs.

Just one more illustration, Sir, of the attitude of the official members, which is certainly not impartial, as the Hon'ble the Finance Member tried to make out today. I am about to refer to the Education Secretary. I hope he will not take my remarks amiss; he knows that although we have disagreed frequently in the Council, nothing has stood in the way of the maintenance of harmonious relations between us outside this chamber, and if I refer to anything about him, it is really in the public interest.

The Hon'ble the President: I hope the honourable member does not intend to refer to personalities outside the House.

Pandit Hirday Nath Kunzru: No, Sir, I will only confine myself to what occurred in the House yesterday.

Yesterday, when the Hon'ble the Nawab Sahib of Chhatari said in the course of his speech that they were fighting unaided or something like that, the Education Secretary said: "No, No."

Kunwar Jagdish Prasad: May I be permitted to point that the Nawab Sahib of Chhatari said that he was fighting a hopeless battle.

Pandit Hirday Nath Kunzru: I accept the correction. I ask honourable members in all fairness whether it is compatible with the impartiality which Sir Ludovic Porter has claimed, that the Education Secretary, who is one of the most important officers of the Government, should have acted in that manner. I leave it to the Education Secretary himself to decide that thing and to say, if not in this Council, outside it, whether he could in any way justify himself. I ask my honourable friend the Finance Member to tell me candidly whether such an act would have been approved of or even tolerated, if, not my honourable friend the Minister for Local Self-Government, but the Finance Member had been responsible for the District Boards Bill. I am afraid, Sir, that the conduct of the Government and of some of their individual officers has created a justifiable feeling that under cover of impartiality they are siding with one party and trying to introduce that policy which culminated in the Burn circular of 1911 or 1912 and which created serious dissensions between the Hindus and Muhammadans.

The Hon'ble the Finance Member said that the Government proposed to abide by the compact of 1918 only so long as the Hindus and Muhammadans were in agreement. Well, this agreement, as was pointed out by the Hon'ble Mr. Chintamani this morning, was arrived at after consultation with prominent Hindu and Muhammadan leaders. Is it not then the duty of the Government to support it, particularly as one community—as shown by the votes recorded yesterday—was almost unanimously in it favour and not to help the other community to dishonour the compact entered into four years ago on its behalf by its prominent leaders? The District Officers, who might be regarded in the opinion of the Hon'ble the Finance Member, as guardians of the rights of minorities, had nothing to say about Muslim representation when their views were invited on the report of the Committee of 1918. The district boards too were silent on the point. My honourable friend the member for Basti, who spoke with regrettable heat this morning, himself never referred to

[Pandit Hirday Nath Kunzru.]

this thing when the motion was made that the Bill should be referred to a Select Committee. What justification can Government members of the for setting aside the settlement of 1913? It seems to me, Sir, that *in toto*. is still open to them to reconsider its position. Their bounden duty and the every moral canon is to support a settlement arrived at four years ago, which they left to the non-official members of the committee to arrive at and to enter into and which they have been in agreement throughout. If they cannot do that, the least that they can do is to remain neutral. Let them not on this occasion go behind their accepted policy. No play of words will ever convince any fair-minded, any honourable member that Government are right in making themselves a party to the new demands and in compelling one of the parties to concede more than what was conceded to the minority four years ago under cover of impartiality.

Mr. Muhammad Ismail: The Hon'ble the Minister of Local Self-Government in his opening remarks observed that we should approach this Bill without passion or prejudice. I regret to say that honourable members of this Council forgot his advice within a few minutes after it was given and throughout the discussion both sides, Muhammadans and Hindus alike, have shown passion and prejudice which is highly regrettable and which I am sure will be remembered with pain for a long time. Muhammadans claim that they are entitled to 30 per cent. Rightly or wrongly they claim to be entitled to it. Hindus, on the other hand, think that the Muhammadans are not entitled to it. In developing arguments on both sides I think it would have been far better if we had stuck to reasons and had not gone into individualities and personalities.

There is one remark of my honourable friend from South Meerut, which was repeated by the honourable member for Muzaffarnagar, which I consider calls for a reply. He said that in giving this 25 per cent. Hindus have been actuated with feelings of generosity and have done a good turn to Muhammadans, because they have given them more than they are entitled to. I acknowledge this spirit and I am sure Muhammadans ought to be grateful for it. But in considering this point I think I would not be doing my duty if I failed to point out with great respect to my honourable Hindu friends that they too have had something in return. They may not have had so many votes in return, but they have had corresponding advantages. For this I think it will be necessary to recall the political history of the country. As honourable members are aware, Muhammadans of the old school were entirely opposed to entering politics because, rightly or wrongly, they were of the opinion that the interests of the minorities could not be entrusted to majorities. I do not defend them. It would be presumptuous on my part to criticize that view; but that was the opinion, and Hindu leaders thought that until they eradicated that spirit it was impossible to move forward or to wrest any concession from the Government. This state of things continued for a number of years, until a few years back the Hindus found that the Muhammadans were a drag. The Muhammadans, on the other hand, thought that they would rather go under than trust their destinies to their Hindu brethren. It was rather unfortunate; but this was the fact which had to be faced. The Hindu and Muhammadan leaders put their heads together and decided to settle the question, and it was in that spirit that the compromise of 1916 was effected. You cannot take any arithmetical figure and stick to it; you cannot value

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ion and by joining the Hindus the combined effect will be that Government will have to recognize the importance of the demand and will have to accede to it. Now, Sir, I believe I am not wrong in saying that it was the result of this united action that the reformed Council came into existence. We would not have had the pride and pleasure of seeing so many representatives of Indians on the Government side had it not been for this result of their united action. It was therefore owing to the united Hindu and Muhammadan action that was decided upon at that conference of 1916, that this reformed Council came into existence; and I think it would not be fair, it would not be just, it would not be doing the right thing, if a few years afterwards we forget it and quibble and wrangle over 5 per cent. this side or that side which does not make the least difference. My Muhammadan friends ought to remember that even if they get 30 per cent. it will be on the good-will of the Hindus that they will have to depend for carrying out any measure. Personally I do not attach much importance to this 5 per cent. But this demand having been made, this figure having been agreed upon in this compromise of 1916, which, I admit, was only in respect of the Councils and has nothing to do with district boards, still is a guiding figure, a figure which might be accepted without going into very close calculations. I consider, Sir, that it would be paying proper respect to that compromise if this figure of 30 per cent, is adhered to. I am not making too much of this compact, too much of this union of Hindus and Muhammadans, because I admit that it was in the joint interests of both; but having come to that agreement I do not think that my honourable friend from Muzaffarnagar should lay too much stress on the concession, on the generosity. It would certainly be for us to acknowledge that generosity, to accept that generosity and that concession; it would not come with a good grace from the other side if we are reminded of that too often, because, as I have said, there is a corresponding advantage to the other side.

There is just one word more I have to mention, and that is, that though the Hon'ble the Finance Member was not quite accurate in his figures, it is a fact which can be ascertained from the list which is in possession of the Hon'ble Minister of Education and Industries that in some district boards, though the Muhammadans are in a minority as far as the rural population is concerned, their strength is as much as 58 per cent. on the district boards. On the other hand, there are some district boards where their number is so small that in fact it comes to nothing. Therefore the Muhammadans are giving up their advantage of securing a larger share in some district boards, while they are gaining this advantage of getting more than they are getting now in some boards. Having regard to these facts, having regard to the past history of the question, having regard to the need of amicable feelings between the Hindus and Muhammadans, I think this is not such a matter over which so many hot words should have been exchanged.

[Babu Chhail Bihari Kapur.]

some misunderstanding with regard to its actual provisions. It has been repeatedly stated that the leaders of the two communities agreed that Muhammadans should get representation equal to 30 per cent. That is undoubtedly true, but we must remember as to what the actual recommendation was where the percentage of the Muhammadan population is only 5 per cent. On this particular occasion we are dealing with clause (*b*) and that touches only those districts where the population of Muhammadans is less than 5 per cent. Honourable members who have referred to the proceedings of the Indian National Congress of that year will find that the percentage agreed upon by the leaders of the two communities was as follows:—United Provinces 30 per cent., the Muhammadan proportion being 14·32; Behar 25 per cent., the Muhammadan proportion being 10·63 per cent.; Madras 15 per cent., the Muhammadan proportion being 6·67 per cent. It is unnecessary to deal with the figures relating to Bengal and the Punjab where the Muhammadans' proportion is very high. I have not so far mentioned the particular province where the proportion of Muhammadans is less than 5 per cent. It will be found on a reference to the proceedings of that year that, so far as the Central Provinces are concerned, the representation which was granted to the Muhammadans was 15 per cent. Now, the proportion of the Muhammadan population in that province is only 4·06 per cent. As for Madras the proportion of the Muhammadan population is 6·67 per cent., as I pointed out just now, and the amount of representation which has been given to the Muhammadan community there is 15 per cent. It will therefore be seen—I hope it is quite clear—that where the proportion of Muhammadans is 5 per cent. or in its neighbourhood the representation which was given to them was 15 per cent. and this is exactly what this Bill proposes to give. It was, I believe, in virtue of this compromise that the Muhammadan representatives on the Rule 13 Committee agreed to the scale of representation which has since been actually embodied in the Bill. I have risen to refer to this particular point at this late stage of debate as it appeared to me that there was a great deal of misunderstanding. The figure 30 was being quoted every now and then; but it will be seen that that had no application. It was the proportion of representation which was given to the Central Provinces and Madras that should be taken as the guiding factor in determining the scale to be dealt with under this clause.

Pandit Brijnandan Prasad Misra: I apply for the closure of the debate.

The Hon'ble the President: Three times the suggestion has been made that the question be put. The third time I accept it. This particular clause has been very fully discussed. In fact I purposely permitted the debate to range over the general principle underlying this whole clause with a view to avoid a further prolongation of the debate after this motion is put. This should be taken practically as the final trial of strength. I accordingly call upon the mover to reply.

Nawabzada Muhammad Yusuf: In winding up the debate I have no desire to inflict another speech. Sir, I am content to say after having heard the arguments of my learned friends in this Council who have taken a very definite attitude against my motion, that they are not going to

accept the number 30, which may be regarded as the guiding number for all time to come and that this is unfortunate.

I would say that the rejection of my motion amounts to taking that position and that position, I would say, in the larger interests of the country, in the interest of higher politics and in the interest of Hindu-Muslim unity, is not right and should not be taken without a good deal of hesitation. The honourable members who have opposed my motion should have given serious consideration to the matter before coming to a definite conclusion. I know that some members think that it will probably be better to adjourn the Council till tomorrow in order to give an opportunity to both the parties to arrive at some compromise. A suggestion like that I am bound to welcome. I should be delighted to have a clear indication from the members of the Council belonging to the Liberal Party that they are willing to hold a conference and to finally decide this question bearing in mind the importance of it. Sir, we know that outside the public, especially the Muhammadan public, must be watching with great interest the deliberations that are being conducted inside the Council. Whatever we do here is likely to be interpreted in a light or spirit different from that in which we are discussing this question here. The outside public will say that this is the way in which matters of such importance are going to be decided in a responsible and reformed Council. The majority is not willing to show any consideration, any sympathy, any large-heartedness when they know that they are in an overwhelming majority and that they will always dictate their own terms. I said on a former motion that the majority might bear in mind that whenever a request is made by the minority, they must think twice before rejecting it. I am bound to say again that it is the right of the minority to claim their rights or even their exaggerated rights from the majority and it is the privilege of the majority to grant them to the minority. Sir, if we are really to serve the best interests of the country, if we are really to march on towards the cherished goal in view, hand in hand, then we must bear in mind very clearly one point and that is this :—let there be no fear in the minds of the minority such as that of Muhammadans that they are likely to be treated adversely if the matters were left entirely to be decided inside the Council by the majority. We know that we are in a hopeless minority. All we can do is this. Thanks to the All-India Muslim League and the Congress, that we can raise an effective voice here, we can appeal to the majority of the members of this House, we can try to convince them of our views, convince them of our rights, but beyond this we are helpless. Therefore I would say that, bearing in mind that my Hindu brethren are in the overwhelming majority, they should realize their responsibility and position which is such that if they are not cautious in dealing with such important questions the decision of which should be based on finer feelings of friendship and good-will, then they are likely to be misunderstood outside and that is likely to have a very baneful effect on the relations of Hindus and Muhammadans. After all it has been clearly made out that even if the percentage be 30, the minority can do no harm to the majority. In fact the minority is likely to be a great gain, a great asset to the majority in their deliberations, in the best local interests of the board. In a nutshell, what have been the arguments which have been advanced against the motion ? The first and foremost is that we cannot go back upon the Rule 13 Committee's

[Nawabzada Muhammad Yusuf.]

recommendations. In this connection I am bound to refer to the able speech of the Hon'ble the Finance Member who very aptly said that although it did indicate that responsible people did hold a definite opinion and did come to a compromise, it was not embodied in a Bill and was not absolutely binding either on the Government or for the matter of that on anybody in this Council. It does not mean that it should be regarded as a final thing, that it should not be discussed in a reformed Council like this and that we are not at liberty to reconsider the whole thing and discuss it in the light of the principle which should be that of the Congress League compact, viz. 30 per cent. I may assure the Hon'ble Minister of Local Self-Government that I did not bring this motion with a desire to make it another stumbling-block in the way of the Bill or with a desire to put any obstacle in his way. It was no intention of mine that by raising this difficulty the Bill might be wrecked. Let me assure him that I moved this motion to make the Bill more acceptable to the Muhammadan community, so that when the Bill finally emerges from this House and finds its way on to the Statute-book it may be hailed by all sections of the community—particularly by the Muhammadans—and this Council may have for all time to come to its credit the fact that it was able to take a step forward and did agree to the principle of 30 per cent. with a view to meet the wishes, aspirations, and sentiments of the Muhammadan community and went as far as it could under the circumstances. After all, what does this motion seek? It seeks that where there is one per cent. . . .

The Hon'ble the President: The honourable member should confine himself to a reply and not make a fresh speech.

Nawabzada Muhammad Yusuf: I bow to your decision, Sir. In a nutshell, as I said, these are the objections raised against the motion.

Then, Sir, the question of Christian representation is brought in—very dexterously, I must say. Does the honourable member who was responsible for putting forward that plea mean that the Christians should always be bracketed with the Muhammadans? I would make bold to say that that would be a very unfortunate position to take. We know that we have claimed 30 per cent. and that proportion has been granted to us in the Council. Can we not claim that in the district boards, basing our demand on that basic principle embodied in the Congress-League pact? I should at once make my position clear by saying that I do not grudge any representation to my Christian brethren. To my mind it would be fair, rather very fair, to grant separate representation to the Christians if they were in sufficient numbers to form an electorate in any particular district. I am sure that their presence would lead to better and more liberal discussion in the boards. After all our interest is common. Communal differences will very rarely arise. By doing so we shall be serving our country and doing our clear duty to these local bodies and to the constituencies represented by us. In these circumstances I would say that the position taken up by the learned Hindu members of this Council is not at all tenable.

Further, it is said that the self-respect of the Muhammadans should have forbidden them from making this claim. I may repeat again that as a member of the minority it is my privilege to claim certain rights from

the majority and I hope the majority would rise to the occasion and show that liberality, that generosity, that sympathy, which the situation demands.

Now, Sir, I do not think I shall be justified in taking a longer time of the Council in winding up this debate. I would once more ask this House to see that our claim is a modest one; it does not go beyond 30 per cent. It may go ahead of the recommendations of the Rule 13 Committee, but certainly it does not go beyond 30 per cent. Therefore, Sir, I would appeal to the honourable members to accept this motion and give it their unanimous support with a view to meet the wishes of the Muhammadan members of this Council and also of the Muhammadan public outside.

The Hon'ble the President : The first part of the motion is in connection with the following words in clause 5 :—

"(*b*) Not less than 1 per cent. but less than 5 per cent. in the first column and 15 per cent. in the second column."

The question that these words stand part of the Bill was put and declared adopted. A division was asked for.

Nawabzada Muhammad Yusuf : May I know, Sir, if the representation embodied in the Bill is put to the vote or my motion ?

The Hon'ble the President : The honourable member's whole motion is not being put to the vote. What is being put to the vote is that the following words in clause 5, namely "(*b*) not less than 1 per cent. but less than 5 per cent." in the first column and "15 per cent." in the second column do stand part of the Bill. Those who are in favour of the honourable member's amendment will naturally vote against the motion as it is being put.

The Council then divided as below :—

Ayes (51).	*Noes* (38.)
Sardar Birpal Singh,	Mirza Muhammad Sajjad Ali Khan,
Pandit Baijnath Misra,	Lieut. Nawab Muhammad Ahmad Sa'id Khan,
Rai Sheo Charan Lal Sahib,	Mr. Muhammad Ismail, Khan Bahadur.
Mr. C. M. King.	Mr. R. Burn,
Mr. S. H. Fremantle,	Chaudhri Amir Hasan Khan, Khan Bahadur,
Mr. A. B. Reid,	Mr. Shakir Ali,
The Hon'ble Pandit Jagat Narayan,	Mr. Jafer Hosain,
The Hon'ble Mr. C. Y. Chintamani,	Maulvi Shahab-ud-din,
Mr. A. H. Mackenzie.	Khan Bahadur Kunwar Inayat Ali Khan.
Mr. L. S. White,	Mr. H. W. Gill,
Thakur Hanuman Singh,	Mr. H. David,
Rai Ravinandan Prasad Bahadur,	Qazi Muhammad Hashim,
Rai Bahadur Kunwar Dillipat Shah,	Mr. F. F. Sladen,
Rai Mashal Singh Bahadur.	Mr. H. de L. Ross,
Rai Jodh Singh B. Negi Bahadur:	Mr. F. F. R. Channer,
Thakur Parsidh Narayan Singh,	
Raja Shambhu Dayal,	
Pandit Soti Vishnu Swarup,	

Ayes (51).

Pandit Brijnandan Prasad Misra,
Rao Sheo Dhyan Singh Sahib,
Mr. K. P. Singh,
Chaudhri Sardar Singh,
Rao Indra Narayan,
Lala Shadi Ram,
Bhaya Hanumat Prasad Singh,
Thakur Rajendra Singh,
Babu Khem Chand,
Pandit Balbhadra Prasad Tewari,
Rai Rajeshwar Bali,
Raja Shankar Sahai,
Rai Gopal Das Sharma Sahib,
Pandit Gokaran Nath Misra,
Babu Chhail Bihari Kapur,
Babu Gendan Lal,
Thakur Jagannath Bakhsh Singh,
Thakur Manak Singh,
Rai Vikarmajit Singh Bahadur,
Munshi Narayan Prasad Ashthana,
Pandit Hirday Nath Kunzru,
Rai Anand Swarup Bahadur,
Mahant Parmanand Gir,
Pandit Gobind Sahai Sharma,
Major D. R. Ranjit Singh,
Lieut. Rai Bahadur Kunwar Nand Lal,
Pandit Iqbal Narayan Gurtu,
Rai Sita Ram Sahib,
Pandit Nanak Chand,
Chaudhri Mukhtar Singh,
Rai Daya Shankar Sahib,
Babu Gur Sahai,
Mr. A. W. Pim.

Noes (38).

Mr. G. B. F. Muir.
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan Bahadur,
Kunwar Jagdish Prasad,
Mr. H. S Crosthwaite,
Mr. G. B. Lambert,
The Hon'ble Sir Ludovic Porter,
Saiyid Janab Ahmad,
Nawabzada Muhammad Yusuf,
Lieut. Kunwar Jamshed Ali Khan,
Zafar Husain,
Rai Kunwar Parmanand Bahadur,
Saiyid Al-i-Nabi,
Khan Bahadur Sardar Rahimdad Khan,
Khan Sahib Hakim Nawab Ali Khan,
Khan Bahadur Shaikh Saiyid Muhammad,
Munshi Ata-at-Mand Khan Mujibee,
Major Kunwar Shamsher Bahadur Singh,
Lieut. Shaikh Shahid Husain,
Mirza Mahmud Beg,
Raja Sir Saiyid Abu Jafar,
Khan Bahadur Shah Badre Alam,
Munshi Muhammad Zahur-ud-din,
Khan Bahadur Shaikh Muhammad Yusuf.

The motion was therefore adopted.

Nawabzada Muhammad Yusuf: I move that sub-clause (*c*) as it stands in clause (1) of section 5 be amended in the following manner, viz., in the first column the words should be " Not less than 5 per cent. but less than 30 per cent." and in the second column the words should be "30 per cent." I do not think any useful purpose would be served to go again over all the grounds which have already been put forward in favour of this amendment. I would only ask this House once more to bear clearly in mind that what they will be doing would be simply this, that they will be recognizing the principle of 30 per cent. to be the guiding principle in deciding the question of the representation of the Muhammadans. It has been said by some honourable members that the representation of the Musalmans would really not be much affected by this Bill. I am bound to say that it will affect an appreciable number of districts where the representation at present rises from 25 to 56 per cent. Now, it might be said that we have listened enough to the nauseating appeal on grounds of sympathy and reason. I say

Sir, let us base our decision on facts and figures and let us not regard the recommendation of the Rule 13 Committee as the only guiding principle in deciding the representation of the Musalmans over district boards. I would again urge that it will not be safe in the larger interests of the country to think that the recommendation of this Rule 13 Committee should be the final word, and this Council should not be given an opportunity and should not have a say on the matter again. Why should you not try to bring about a uniformity of representation on the political bodies, and once for all decide this harassing and unfortunate question which does arise over and over again, with the result that there is bitterness of feeling between the two communities; misunderstandings are cropping up and agitation in some form or shape is raging outside the Council amongst the public. I would simply say that this clause clearly says:--Give us 30 per cent. where there is a population of 5 per cent. of Muhammadans. I would say that, if they were to pass this amendment and were to reject the percentage that stands in the Bill, they would then be giving some recognition to that principle of 30 per cent. and would even now be showing that regard and sympathy which we think we have every right to claim from our Hindu brethren in the House. I will not have it argued over and over again that "we do not want to listen to the appeals based on sentiment." I do not wish to have it argued that "we can give a representation only according to the numerical strength and percentage and that we have really made a very large concession and that we cannot go beyond that." If the Hindus can show that their right will in any way be affected; if they can show that the interests of our Hindu brethren will in any way be prejudiced, then I am bound to say that they will be right in resisting a motion like this. Let me assure the honourable members that I would have withdrawn any motion which might have gone to encroach upon the vital rights of the Hindus and which would have amounted to doing a thing which would have in the long run proved against the interests of our Hindu brethren.

All I can say is that, bearing in mind that this motion does not seek very high representation; it does not seek representation higher than 30 per cent.; bearing in mind that we by adopting it shall be forging a further link in the bond of unity between Hindus and Muhammadans; bearing in mind that we shall be really serving the larger interests of the country, that we shall be serving the higher interests of politics; bearing in mind our struggle in the onward march towards complete home rule, which is our cherished object, I would request the House to again pause and think and try and see its way to support the motion which I have had the honour to move.

The motion that item (*c*) of sub-clause (1) of clause 5 of the Bill do stand part of the Bill was put and the Council divided as below:—

Ayes. (51)	*Noes* (33)
Rai Gopal Das Sharma Sahib,	Mr. F. F. Sladen,
Major Kunwar Shamsher Bahadur Singh,	Mr. R. Burn,
Sardar Birpal Singh,	Mr. H. S. Crosthwaite,
Thakur Jagannath Bakhsh Singh,	Mr. G. B. Lambert,
Raja Shambhu Dayal,	Mr. G. B. F. Muir,
Pandit Baij Nath Misra,	The Hon'ble Sir Ludovic Porter,

Babu Gur Sahai,
Rai Anand Swarup Bahadur,
Thakur Manak Singh,
Mahant Parmanand Gir,
Kunwar Nand Lal, Rai Bahadur,
Major D. R. Ranjit Singh,
Rai Daya Shankar Sahib,
Pandit Govind Sahai Sharma,
Chaudhari Mukhtar Singh,
Pandit Iqbal Narain Gurtu,
Rai Vikramajit Singh Bahadur,
Munshi Narain Prasad Ashthana,
Pandit Hirday Nath Kunzru,
Pandit Gokaran Nath Misra,
Mr. K. P. Singh,
Rai Mashal Singh Bahadur,
Rai Ravinandan Prasad Bahadur,
Thakur Hanuman Singh,
Kunwar Dillipat Shah,
Thakur Rajendra Singh,
Rai Jodh Singh B. Negi Bahadur,
Thakur Parsidh Narayan Singh,
Rai Rajeshwar Bali,
Raja Shankar Sahai,
Pandit Soti Vishnu Swarup,
Chaudhri Sardar Singh,
Rao Sheo Dhyan Singh Sahib,
Pandit Brijnandan Prasad Misra,
Pandit Balbhadra Prasad Tiwari,
Rai Indra Narayan,
Lala Shadi Ram,
Bhaya Hanumat Prasad Singh,
Pandit Nanak Chand,
Rai Sheo Charan Lal Sahib,
Babu Chhail Bihari Kapur,
Babu Gendan Lal,
Mr. S. H. Fremantle,
Mr. C. M. King,
Mr. L. S. White,
Lieutenant-Colonel A. W. R. Cochrane,
Mr. A. H. Mackenzie,
Mr. A. W. Pim,
The Hon'ble Mr. C. Y. Chintamani,
Mr. A. B. Reid,
The Hon'ble Pandit Jagat Narayan.
Kunwar Jagdish Prasad,
Mr. H. de L. Ross,
Mr. F. F. R. Channer,
Mr. Shakir Ali,
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan,
Khan Bahadur Shaikh Muhammad Yusuf,
Nawabzada Muhammad Yusuf,
Kunwar Inayat Ali Khan,
Mr. Zafar Husain,
Mr. Jafer Hosain,
Lieutenant Kunwar Jamshed Ali Khan,
Mirza Muhammad Sajjad Ali Khan,
Khan Bahadur Chaudhri Amir Hasan Khan,
Qazi Muhammad Hashim,
Rai Bahadur Kunwar Parmanand,
Saiyid Al-i-Nabi,
Khan Bahadur Sardar Rahimdad Khan,
Munshi Muhammad Zahur-ud-din Khan,
Munshi Ata-at-Mand Khan Mujibee,
Khan Sahib Hakim Nawab Ali Khan,
Munshi Muhammad Fazl-ur-Rahman Khan,
Mirza Mahmud Beg,
Raja Sir Saiyid Abu Jafar,
Khan Bahadur Shah Badre Alam,
Lieutenant Shaikh Shahid Husain,
Lieutenant Nawab Muhammad Ahmad Said Khan,
Khan Bahadur Shaikh Saiyid Muhammad.

Clause 5 (1) item (*d*).

The Hon'ble the President : Is there any notice of amendment on the order paper in connection with item (*d*)? There appears to be no motion in connection with it.

Mr. Shakir Ali : There is a notice of amendment No. 16 of the agenda paper. I have taken both items (*c*) and (*d*) together, but item (*c*) is passed and (*d*) is now under consideration.

The motion that clause 5 (1) (*d*) stand part of the Bill was put and adopted.

Clause 5 (2).

Several amendments relating to clause 5 (2) were withdrawn.

The Hon'ble Pandit Jagat Narayan : I move that the proviso in subsection (2), which runs as follows, may be deleted :—

" Provided that every district board shall contain at least one representative of the Muslim electorate."

My reasons are that, having regard to the fact that the lowest number fixed for every district board is 15, and that under any circumstances the Muhammadans will get 10 per cent. of the representation, this proviso becomes useless.

The motion was put and adopted.

The motion that clause 5 as amended do stand part was put and the Council divided as below :—

Ayes (60).

Rai Jodh Singh B. Negi Bahadur,
Thakur Parsidh Narayan Singh,
Pandit Balbhadra Prasad Tiwari,
Lala Shadi Ram,
Rai Indra Narayan,
Rai Rajeshwar Bali,
Chaudhri Sardar Singh,
Babu Khem Chand,
Rao Sheo Dhyan Singh Sahib,
Pandit Brijnandan Prasad Misra,
Raja Shankar Sahai,
Pandit Soti Vishnu Swarup,
Rai Mashal Singh Bahadur,
Raja Shambhu Dayal,
Rai Gopal Das Sharma Sahib,
Sardar Birpal Singh,
Pandit Baijnath Misra,
Pandit Nanak Chand.
Kunwar Shamsher Bahadur Singh,
Mr. R. Burn,
The Hon'ble Sir Ludovic Porter,
Rai Anand Swarup Bahadur,
Rai Vikramajit Singh Bahadur,
Pandit Gokaran Nath Misra,
Pandit Hirday Nath Kunzru,
Pandit Govind Sahai Sharma,
Major D. R. Ranjit Singh.
Lieut. Rai Bahadur Kunwar Nand Lal,

Noes (15).

Khan Sahib Hakim Nawab Ali Khan,
Munshi Ata-at-Mand Khan Mujibee,
Lieut. Shaikh Shahid Husain,
Raja Sir Saiyid Abu Jafar,
Khan Bahadur Shah Badre Alam,
Mirza Mahmud Beg,
Munhsi Muhammad Fazl-ur-Rahman Khan,
Nawabzada Muhammad Yusuf,
Khan Bahadur Sardar Rahimdad Khan,
Khan Bahadur Shaikh Saiyid Muhammad Yusuf,
Khan Bahadur Shaikh Saiyid Muhammad,
Lieut. Kunwar Jamshed Ali Khan,
Mr. Shakir Ali,
Mr. Zafar Husain,
Mr. Jafer Hosain.

Ayes (60). *Noes* (15).

Babu Gur Sahai,
Rai Daya Shankar Sahib,
Mr. C. M. King,
Mr. L. S. White,
Mr. H. S. Crosthwaite,
Mr G. B. Lambert,
Mr. G. B. F. Muir,
Mr. H. deL. Ross,
Mr. F. F. R. Channer,
Mr. S. H. Fremantle,
Mr. A. B. Reid,
The Hon'ble Mr. C. Y. Chintamani,
The Hon'ble Pandit Jagat Narayan,
Lieut.-Colonel A. W. R. Cochrane,
Mr. F. F. Sladen,
Mr. A. W. Pim,
Mr. A. H. Mackenzie,
Mr. H. M. Leake,
Rai Kunwar Dillipat Shah Bahadur,
Rai Ravinandan Prasad Bahadur,
Rai Sheo Charan Lal Sahib,
Thakur Hanuman Singh,
Mahant Parmanand Gir,
Chaudhari Mukhtar Singh,
Khan Bahadur Muhammad Ismail,
Rai Sita Ram Sahib,
Pandit Iqbal Narayan Gurtu,
Munshi Narayan Prasad Ashthana,
Thakur Manak Singh,
Babu Gendan Lal,
Mr. K. P. Singh,
Babu Chhail Bihari Kapur.

The motion was therefore adopted.

Clause 6.

Mr. H. David: I move that in clause 6 of the Bill for the word "two" substitute the word "four."

I have read the report of the Rule 13 Committee through and through and I find it is suggested that two members may be nominated by Government, but I regret that no reason has been assigned for this recommendation. The Government of India directed that the elected members would form the majority: that was all. It did not give any numbers, and the committee has also accepted that provision. I do not contest that there should be a majority of the elected members on the district boards, that was the instruction of the Government of India and that has been accepted by the committee, and I do not object to it. I find there would be 1,070 members on the district boards in the entire province and taking 48 to be the number of districts, the average will be, say 23 in every district. So there will be only two members, that is only one-eleventh of the entire membership of the board. I think that is too little. I find that in Madras there is a provision in the District Boards Act that the elected members would be three-fourths and

the nominated members one-fourth, and I also find a new Bill has been introduced in the Bombay Presidency where a similar proportion has been preserved between elected and nominated members. My request is that for two, the number "four" be substituted. Taking the average at 23 in each district, that will be a proportion of, say, one-sixth. This seems to be much more modest than what is the practice in the Madras and Bombay Presidencies. I do not know about other provinces. As this is sufficiently modest, I hope the Council will accept the amendment proposed. There is another reason also for it. I find my colleague, the member of a special class, has pleaded that of the nominees two should be of the backward and depressed classes; in that way the two nominations would be absorbed and any other class would not have any chance. Thirdly, I have to say that after all the clause is permissive—the Government may or may not appoint more than four members on a district board and when I find a precedent in the other presidencies, especially Madras from which light always comes and from Bombay which aspires to be the premier city, I think in this province the same course may be safely followed. With these few words I commend my motion to the Council.

The Hon'ble Pandit Jagat Narayan: I have every sympathy with the attempt which has been made from time to time by the representative of the Christian community to get representation for that community. Unfortunately the percentage was so small that we could not give that community an elective seat. So far as this present motion is concerned, I leave the first part entirely in the hands of the Council. If the Council be prepared to give the Local Government the power to nominate four members on every board, I have no objection in accepting it. But as the amendment is worded, I may inform my honourable friend that it will not work out very fairly; because the memberships of the new boards will vary from 15 to 40, supposing there is a board on which there are only 15 members, if his amendment is accepted, then out of these 15 members, four will have to be nominated members. If this Council want to increase the power of nomination vested in the Government, they should fix a percentage instead of fixing the number four for every district board.

Mr. H. David: I have only to say this much. After all the provision in this section is permissive. If there are any district boards in which the number is 15 it will lie with the Government to nominate one, two, three or four members, and I think the Government has got sufficient experience and intelligence to adjust the matter. Suppose the number is 40 then it seems to me that my proposal that the Government may (not shall) nominate four members would not be so outrageous as to be unacceptable to the Government or to the members of the Council. It is not that the Government shall be bound to nominate four members, but it only may in certain circumstances) taking the number of members in this board or that into consideration, nominate a number not exceeding four—they may nominate one only.

The Hon'ble Pandit Jagat Narayan: I suppose the honourable mover has entirely misunderstood me. I have not opposed his motion. I have only pointed out that if the fixed number four is changed to a percentage it would be better. I have left this matter entirely in the hands of the Council.

The motion was put and negatived.

Rai Thakur Mashal Singh Bahadur: I move that after the word "persons" and before the words "as members, etc." the following words be added "who shall not be Government servants."

I consider it quite unnecessary to have official members on the board. In the Rule 13 Committee, which has been repeatedly referred to in the speeches of the honourable members yesterday and today, it was unanimously decided that the members who will be nominated by Government will be non-officials. In the original draft which was introduced in the Council and which was based on the recommendations of the Rule 13 Committee it was said "provided that they are not Government servants." But in the Select Committee the draft has undergone a change and it is for the worst in my opinion. In the present age when so much cry is raised from all quarters to remove unnecessary official interference as far as possible, it is the duty of the Government not to allow any suspicion to be created that Government suspects the non-official agency. The nomination which is being sought by the introduction of this change in the Bill is simply for deputy collectors and it is my experience of several years on district boards that the deputy collectors are of no use to the district boards. They simply come as spies of the Collector and they always influence the votes of the non-official members. In my opinion if non-official boards have been created and this power has been given to district boards I think they should be purely non-official and no nomination from among the deputy collectors should be made. It can be said on behalf of Government that they have simply removed the disqualification from deputy collectors and it is not essential that Government nominees should always be deputy collectors; but I beg to point out that whenever this power has been given to Government it has always been exercised in favour of Government servants. So, on these grounds I move this amendment and I hope the non-official members and the official members will join in accepting it.

Chaudhri Mukhtar Singh: I have got a similar motion on this clause and at this late hour I do not make any speech. I think it has been the experience of the district boards that generally the nominees of Government will be officials and the members will have to bow down to their decisions, and the non-officials, even when they are in a majority, will not be able to express themselves quite freely. With that very idea the words "who are not Government servants" were used in the original Bill and they ought to stand. With these words I commend the amendment to the House.

The Hon'ble Pandit Jagat Narayan: I neither oppose nor accept the motion. I may explain to the honourable members of this House why this change was effected by the Select Committee. It was thought that it might be possible that the boards that would be constituted under the new rules might be so very inexperienced that in certain conditions it might be necessary to appoint a tahsildar or a naib-tahsildar or a deputy collector to give them the benefit of his experience and to help them in carrying on the administration. That was the sole object of the Select Committee in making this provision. No doubt it will be clear that this provision for nomination was made for the purpose of giving representation to minorities. Ordinarily and generally speaking either a member of the depressed classes or a member of the Christian community where there is an appreciable number of Christians would be

nominated. I say " ordinarily " because there are districts where there are not more than 100 Christians ; and perhaps there are districts where there is not even a single Christian. So far as those districts are concerned no representation is required. Therefore I say ordinarily speaking the nominations will be made either from the depressed classes or from the Christian community ; but there might be cases when it might be necessary to give the help of an executive officer to a newly-constituted district board to facilitate its work.

Pandit Gokaran Nath Misra : I join whole-heartedly in supporting the motion of Rai Bahadur Thakur Mashal Singh. There are certain minorities who have to be represented on the district boards. In some districts there may be necessity for nominating a Christian on the district board. I see there is also on the agenda an amendment standing in the name of an honourable member of this Council who represents the depressed classes, saying that they also want two members on the boards. I do not discuss the question as to whether two members or one member should be nominated in each of the district boards or on which of the district boards they should have nominees, but I certainly say that there is necessity of giving nomination to the depressed classes. I think that the interests of these various communities require that the persons who are to be nominated by Government to represent them should be non-officials ; it is not necessary that officials should be nominated on the boards. Although I feel the force of the argument that in certain cases it may be necessary that an experienced official may be required to give guidance and help to district boards, on the whole I think it is better to leave the district boards to work out their own programme for themselves. I therefore support the amendment of Rai Bahadur Thakur Mashal Singh.

Babu Gendan Lal: I rise to support the motion made by Thakur Mashal Singh. In my opinion there are some districts where there are sufficient number of Christians who are tenants and in some cases there are also Christian zamindars. If it is necessary to appoint a person who has got experience in district board matters we have got retired officials in sufficient numbers and these retired officers might be nominated. So I submit that under this clause the depressed classes, the Christian community and the retired officers might very well be brought in.

Kunwar Shamsher Bahadur Singh: I beg to point out that the same difficulty almost arises in my own district as well. The district board members, I am afraid, will not be able to carry on the duties of the secretary and it has already been under the consideration of the members to take the assistance of a deputy collector. I do not oppose the amendment, but there should be a clause to the effect that wherever the boards are able to work without the assistance of deputy collectors they could do so. But wherever the boards cannot satisfactorily carry on the work themselves the services of a deputy collector should be obtained to carry on the work satisfactorily.

The Hon'ble the President: The clause as amended will run thus :—

> " The Local Government may nominate not more than two persons who shall not be Government servants as members of a board in addition to a chairman who may be nominated under sub-section (3) of section 35."

Pandit Gokaran Nath Misra: May I suggest that the amendment as proposed by Chaudhri Mukhtar Singh may be accepted.

The Hon'ble the President: It has not been moved.

The amendment moved by Thakur Mashal Singh was put and adopted.

Pandit Gokaran Nath Misra: May I suggest that in place of the words "persons who shall not be Government servants" the word "non-official" be substituted?

The Hon'ble the President: The honourable member's object is to move a consequential amendment. May I know if the Hon'ble Minister has any objection?

The Hon'ble Pandit Jagat Narayan: I have no objection.

Pandit Gokaran Nath Misra: I rise to move that in place of the words "persons who shall not be Government servants" the word "non-officials" be substituted.

The Hon'ble the President: There is no difference in substance between the two?

Mr. C. Moss King: I think it will be better to use the word "Government servants" because "Government servants" is defined under the Act. I suggest that the words "other than Government servants" be substituted for "non-officials."

The Hon'ble the President: As it is a consequential amendment, it should be left for future consideration. The honourable member had better withdraw his motion.

Pandit Gokaran Nath Misra: I beg to withdraw my amendment.

The motion was, by leave of the Council, withdrawn.

Mr. H. David: We have been working continuously for about six hours and therefore I think it is now too late to take up a new motion. My motion may be taken up tomorrow.

The Hon'ble Pandit Jagat Narayan: We can easily finish clause 6.

The Hon'ble the President: Does the honourable member move his motion?

Mr. H. David: I would request that I may be allowed to move it tomorrow.

The Hon'ble the President: No.

Mr. H. David: I find that the Government of India has expressed anxiety for the representation of the minorities as well. It is said that the practice of nominating men from the minority should be followed, but I find in the Bill itself . . .

The Hon'ble the President: Has the honourable member moved the motion?

Mr. H. David: I beg to move that the following proviso be added to clause 6 of the Bill:—

"Provided that of the nominees one may be a non-official representative of the Christian community."

The Hon'ble the President: The motion is not clear to me. What is the meaning of "one may be a non-official representative of the Christian community"? Is there anything in the Bill to prevent the nomination of a member of the Christian community?

Mr. H. David: There is no such thing in the Bill.

The Hon'ble Pandit Jagat Narayan: I am prepared to accept this amendment.

The Hon'ble the President: The Council cannot accept an amendment which is not relevant and necessary to the Bill. Is there anything in the Bill which prevents a representative of the Christian community from being nominated?

The Hon'ble Pandit Jagat Narayan: No, Sir.

Mr. H. David: I admit that there is nothing in the Act which prevents the nomination of an Indian Christian or a member of the depressed classes or of any other community, but at the same time it is not at all explicit that this community will be allowed one of the nominees. It depends only on a chance.

The Hon'ble the President: Unless the honourable member can explain to me the relevancy of the motion, it cannot be put to the Council.

Mr. H. David: I am trying to explain, Sir. There is nothing in the Act which expressly prohibits the nomination of this or that community, but at the same time the Act is not explicit enough and the question depends on the nominating authority. What I want is that an express provision should be made in the Act that one of the nominees shall be an Indian Christian. The motion may or may not be accepted by the Council, but I do not think there is anything which prevents me from making this motion that a proviso be added to the clause in question.

The Hon'ble the President: Is it the purpose of the honourable member to move that one of the nominees shall be a representative of the Christian community?

Mr. H. David: No, Sir.

The Hon'ble the President: Then I am unable to see that the question is relevant and the motion cannot be moved.

Babu Khem Chand: The motion that stands in my name runs thus:—

"Add the following proviso to clause 6 of the Bill:—

'That two such members must be nominated from the backward and depressed classes in each district.'"

I would like to amend my motion by substituting "one" for "two."

There being no objection, the honourable member was allowed to amend his motion accordingly.

The Hon'ble the President: The motion now before the Council is that the following proviso be added to clause 6 of the Bill:—

"That one such member must be nominated from the backward and depressed classes in each district."

Babu Khem Chand: I have strong and varied reasons for moving this amendment. I represent the depressed classes in these provinces. I need not say how miserable is their condition. The Government has come to their help in nominating me to represent their interests in this Council, but as a district is the unit of administration it is necessary that the interests of the depressed classes should not be permitted to go unrepresented there. I therefore move this amendment and request the honourable members of this House as well as the Government to make provision for the nomination of at least one member of a district board from the depressed classes in every district at present. Considering the number of population and backwardness of the community even four members or more than four will not be sufficient to represent its interest in each district. I hope that this House and the Government will be pleased to adopt my amendment and accept *in toto* my request for the nomination of one member of a district board from among the depressed classes.

The Hon'ble Pandit Jagat Narayan: Having regard to the very wide franchise which is provided by this Bill I have every hope that members of the depressed classes will be elected by the electorate. If there be cases where they do not find a representation by means of election and if in a district there were an appreciable number of the members of such depressed classes who were paying taxes or who were tenants or something like that, then certainly Government will exercise its power of nomination and nominate a representative from the depressed classes. I believe that ordinarily speaking the idea was that one of the nominated seats should go to a man who will represent the depressed classes in the district. Supposing in any district board there are already elected members representing the depressed classes or supposing there is a district where practically there is no person belonging to the depressed classes who is a tenant or pays any tax, then I think it is unreasonable there to give any representation to the depressed classes. However, this is my difficulty. I am prepared to accept the amendment provided my friend changes its wording.

Pandit Gokaran Nath Misra: If the honourable members of this House will agree, then I would suggest, in order to meet the objection raised by the Hon'ble Minister of Local Self-Government that the following words be inserted at the end of the amendment proposed by Babu Khem Chand:—

"in which no member of such classes has been elected."

The Hon'ble the President: Are the words "in each district" necessary?

Mr. G. B. F. Muir: Yes.

The Hon'ble the President: The motion proposed is that after the word "district" in the original amendment the following words be added:—

"in which no member of such classes has been elected."

so that the whole amendment would read as follows:—

"That one such member must be nominated from the backward and depressed classes in each district in which no member of such classes has been elected."

The Hon'ble Mr. C. Y. Chintamani: I rise to ask your permission, Sir, to move a further verbal amendment. I will indicate what it is and then you may decide whether you will give permission. It is that in place of the original amendment with the addition of the words proposed by the honourable member for Lucknow the following sentence should be substituted :—

"One of the nominated members shall ordinarily be selected from among the backward and depressed classes."

I think in the first place the sentence that I have suggested contains fewer words than the proviso which it is proposed to add together with the words which the Hon'ble Pandit would add to it. In the second place, it would meet the difficulty pointed out by the Hon'ble Minister in charge of the Bill. His difficulty was that there might be districts in which eligible men might not be available. The insertion of the word "ordinarily" will meet that difficulty of his, and it will be competent to the Government to avoid nominating a representative of the depressed classes where it might be impossible for them to do so. In the third place, wherever a district board does contain one or more elected representatives of the depressed classes it would be open to the Government to decide, having regard to the population of the depressed classes in that district, whether that number might be added to by the nomination of one more member or whether such nomination would be unnecessary. They would have a margin of discretion in that respect also. I do not think it is a very strong objection against the acceptance of this proposed amendment that already the depressed classes might have secured representation by means of elected members. Knowing as we do the state of society and the position of these unfortunate classes, it might be assumed with safety that their election would be exceptional and would not occur very frequently; and here and there you have a nominated member in addition to an elected representative of the classes. I for one would feel that it would be something to be grateful for. The larger the number of members of these communities whom we could bring into these local bodies in order that they might work for the uplift of themselves and take part in the general public life, the more grateful the public men ought to be for that development. I think the objections will be met and the desire of the honourable mover of the amendment will be equally met, if the sentence the addition of which I propose is accepted both by the Hon'ble Minister and by the honourable mover of the amendment.

The Hon'ble Pandit Jagat Narayan: I have no objection if the Council allows it.

Thakur Hanuman Singh: I rise to move an amendment to the amendment which the Hon'ble Minister of Education has proposed.

The Hon'ble the President: If the honourable member will wait, he will have an opportunity subsequently of doing so.

Mr. K. P. Singh: I rise to support the amendment moved by the Hon'ble Minister of Education and Industries for this reason that his amendment lays stress that one of the nominated members must come from the depressed classes. It is not conditional as moved by Pandit Gokaran Nath Misra that if one is not elected then one must be nominated. I say that this amendment to the amendment proposed by the

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

UNITED PROVINCES

WEDNESDAY, 8th NOVEMBER, 1922

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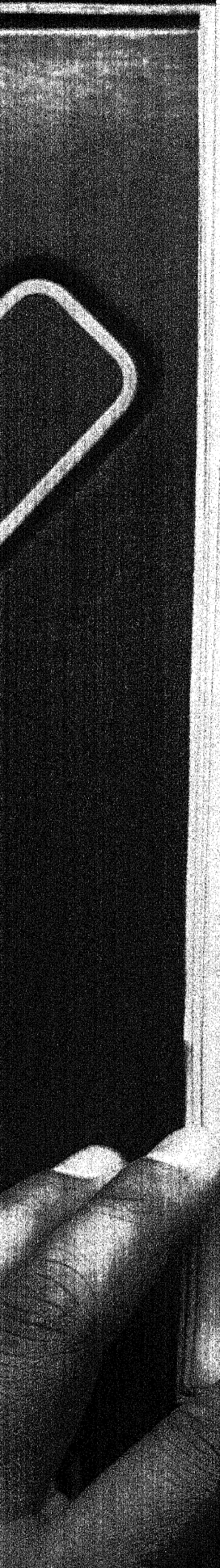
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LEGISLATIVE COUNCIL,
UNITED PROVINCES OF AGRA AND OUDH.

Tuesday, 8th November, 1922.

The Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

PRESENT :

The Hon'ble Sir Ludovic Porter.
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan.
The Hon'ble Mr. C. Y. Chintamani.
The Hon'ble Pandit Jagat Narayan.
Mr. S. H. Fremantle.
Mr. G. B. Lambert.
Mr. H. S. Crosthwaite.
Mr. A. B. Reid.
Kunwar Jagdish Prasad.
Mr. A. C. Verrières.
Mr. R. Burn.
Mr. F. F. Sladen.
Mr. C. M. King.
Mr. F. F. R. Channer.
Mr. H. de L. Ross.
Mr. G. B. F. Muir.
Lt. Col. A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. H. H. Leake.
Mr. L. S. White.
Raja Muhammad Ejaz Rasul Khan.
Mr. H. W. Gill.
Mr. H. David.
Babu Khem Chand.
Pandit Govind Sahai Sharma.
Rai Anand Swarup Bahadur.
Rai Sheo Charan Lal Sahib.
Rai Ravinandan Prasad Bahadur.
Babu Chhail Bihari Kapur.
Rai Kishori Lal Sahib.
Pandit Soti Vishnu Swarup.
Major Kunwar Shamsher Bahadur Singh.
Lala Shadi Ram.
Pandit Hirday Nath Kunzru.
Chaudhri Mukhtar Singh.
Rai Sita Ram Sahib.
Pandit Nanak Chand.
Thakur Manak Singh.
Rao Sheo Dhyan Singh Sahib.
Rai Man Singh Bahadur.
Rai Indra Narayan.
Raja Kali Charan Misra.
Chaudhri Sher Singh.
Rai Daya Shankar Sahib.
Chaudhri Sardar Singh.
Babu Gur Sahai.
Pandit Brijnandan Prasad Misra.
Rai Gopal Das Sharma Sahib.
Babu Parmeshwar Dayal Amist.
Babu Gendan Lal.
Lieut. Raja Hukm Tej Partab Singh.
Pandit Balbhadra Prasad Tiwari.
Major Des Raj Ranjit Singh.
Lieut. Kunwar Nand Lal, Rai Bahadur.
Mahant Parmanand Gir.
Thakur Parsidh Narayan Singh.
Thakur Hanuman Singh.
Mr. Ajodhya Das.
Pandit Baijnath Misra.
Rai Jodh Singh B. Negi Bahadur.
Pandit Gokaran Nath Misra.
Raja Shankar Sahai.
Sardar Birpal Singh.
Rai Mashal Singh Bahadur.
Kunwar Dillipat Shah.
Mr. Kesari Prasad Singh.
Babu Shankar Dayal.
Rai Rajeshwar Bali.
Khan Sahib Abdul Baqi Khan.
Mirza Muhammad Sajjad Ali Khan.

Saiyid Al-i-Nabi.
Qazi Muhammad Hashim.
Lieut. Kunwar Jamshed Ali Khan.
Khan Bahadur Kunwar Inayat Ali Khan.
Chaudhri Amir Hasan Khan, Khan Bahadur.
Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Khan Sahib Shaikh Muhammad Yusuf.
Munshi Ata-at-mand Khan Mujibee.
Mr. Zafar Husain.
Nawabzada Muhammad Yusuf.
Khan Bahadur Shah Badre Alam.
Mr. Muhammad Ismail Khan Bahadur.
Mr. Shakir Ali.
Khan Sahib Hakim Nawab Ali Khan.
Mr. Jafer Hosain.
Khan Bahadur Shaikh Saiyid Muhammad.
Mr. Muhammad Fazl-ur-Rahman Khan.
Sardar Rahimdad Khan, Khan Bahadur.
Munshi Muhammad Zahur-ud-din Khan.
Lieut. Shaikh Shahid Husain.
Raja Sir Saiyid Abu Jafar.
Rai Kunwar Parmanand Bahadur.
Raja Ragho Prasad Narayan Singh, Rai Bahadur.
Thakur Nawab Ali Khan.
Thakur Jagannath Bakhsh Singh.
Rai Vikramajit Singh Bahadur.
Pandit Iqbal Narayan Gurtu.
Mr. A. W. Pim.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Health officers in municipalities.

* 1. **Chaudhri Mukhtar Singh** : Will the Government be pleased to state the municipalities wherein health officers have been forced upon the municipalities against the wishes of the boards within the last three years? Will the Government be further pleased to state the reasons why such action was taken?

The Hon'ble Pandit Jagat Narayan : There are none.

Rule prohibiting the sale of Police Regulations to M. L. Cs.

* 2. **Chaudhri Mukhtar Singh** : Will the Government be pleased to state if there is any rule which prohibits the sale of the Police Regulations even to the members of the Legislative Council without the sanction of the Inspector-General of Police, United Provinces? If so, will the Government be pleased to place a copy of that rule on the table? Will the Government be pleased to cancel this rule?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: There is no such rule, but it is necessary that the sanction of the Inspector-General should be obtained before copies of the Police Regulations are issued to private individuals as a sufficient number of copies have to be retained in stock for official use. At present there are no copies of the Police Regulations in stock.

Jail Manual to prisoners.

*3. **Chaudhri Mukhtar Singh**: Will the Government be pleased to state if there is any rule by which prisoners are prohibited from keeping copies of the Jail Manual with them? If so, will the Government be pleased to place a copy of the rule on the table.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: There is no specific rule to this effect. The honourable member is referred to the answer to question No. 30 for the 31st October.

Constitution and personnel of the Provisional Council of Associated Colleges.

*4. **Rai Sita Ram Sahib**: (1). What provisional authorities and bodies had the Vice-Chancellor of the University of Allahabad constituted under section 54 (*b*) of the Allahabad University Act of 1921 up to the 15th October, 1922?

(2) What is the constitution and personnel of the Provisional Council of Associated Colleges?

(3) What method has been adopted to secure the representation of the various associated colleges besides the Principals?

(4) What is the term of membership of the Provisional Council?

The Hon'ble Mr. C. Y. Chintamani: (1) (*a*) A Provisional Executive Council.

(*b*) Provisional Faculties of Arts, Science, Law, Economics, Geography, and Commerce.

(*c*) A Provisional Council of Associated Colleges.

(2) A statement is laid on the table giving the information asked for.

(3) The associated colleges are represented on the Provisional Council by their Principals and by members elected by their staffs.

(4) The Provisional Councils will cease to exist as soon as an Executive Council and a Council of Associated Colleges are duly constituted under sections 20 and 25 of the Act.

Rai Sita Ram Sahib: As the managing committees of the associated colleges are not represented on the Provisional Councils, will the Government be pleased to see that they are so represented?

The Hon'ble Mr. C. Y. Chintamani: The Government will convey the suggestion to the Vice-Chancellor.

Statement showing the personnel of the Provisional Council of Associated Colleges.

1. Mr. T. C. Jones, Principal, Agra College, Agra.
2. Mr. W. Jesse, Principal, Meerut College, Meerut.
3. Revd. A. C. Pelly, Principal, St. Andrew's College, Gorakhpur.
4. Mr. J. H. Maxwell, Principal, Bareilly College, Bareilly.
5. Mr. Dewan Chand, Principal, D. A.-V. College, Cawnpore.
6. Revd. Canon A. W. Davies, Principal, St. John's College, Agra.
7. Mr. H. F. Manley, Principal, Victoria College, Gwalior.
8. Mr. H. Krall, Professor, Agra College, Agra.
9. Mr. G. N. Bose Mullick, Professor, Meerut College, Meerut.
10. Mr. S. K. Mitra, Vice-Principal, Bareilly College, Bareilly.
11. Mr. Kalka Prasad, Professor, D A.-V. College, Cawnpore.
12. Revd. T. D. Sully, Professor, St. John's College, Agra.

13. Mr. S. G. Dunn, Professor, Teaching University, Allahabad.
14. Mr. S. C. Deb, Reader, Teaching University, Allahabad.
15. The Chairman, Board of High School and Intermediate Education, United Provinces, Allahabad.
16. Mr. Miller, Principal, Government College, Ajmer.

Transfer of sub-judges and munsifs.

*5. **Major D. R. Ranjit Singh:** Is it a fact—

(1) That subordinate judges and munsifs in these provinces, specially the latter, are subjected to frequent transfers in the course of half a dozen years?

(2) If the answer to the above be in the affirmative, will the Government be willing to suggest to the Hon'ble High Court that these transfers may, as far as it be compatible with efficient administration of justice, be restricted?

The Hon'ble Sir Ludovic Porter: (1) No.

(2) Does not arise.

*6. **Major D. R. Ranjit Singh:** In case the frequent transfer referred to in the previous question be indispensable, will the Government kindly consider the question of compensating for the necessary expenditure involved in the transit?

The Hon'ble Sir Ludovic Porter: Officers on transfer are eligible for allowances under the rules.

Extraordinary United Provinces Gazette.

*7. **Major D. R. Ranjit Singh:** Will the Government be pleased to state—

(*a*) how many times during the current financial year was it found necessary to issue the Gazette Extraordinary?

(*b*) what was the expenditure involved each time?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) On three occasions up to date.

(*b*) Rs. 22, Rs. 35, and Rs. 22, respectively, including postage.

*8. **Major D. R. Ranjit Singh:** In view of the fact that each issue of the Gazette Extraordinary means so much extra expenditure, will the Government kindly restrict the issuing of Extraordinary Gazettes as far as possible and use the ordinary Gazette as far as may be?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: This is already done.

Rules relating to interviews with political prisoners in Lucknow district jail.

*9. **Pandit Hirday Nath Kunzru:** (*a*) Will the Government be pleased to lay on the table a copy of the rules relating to interviews with political prisoners in the Lucknow district jail? When did they come into force?

(*b*) Is it a fact that under these rules; political prisoners are not allowed to have interviews with friends or relatives who have served

a sentence of imprisonment for any political offence and that Pandit Moti Lal Nehru is not allowed to see his son ?

(*c*) Is an ordinary prisoner prevented from seeing his friends or relatives who are ex-convicts ? If not, why are interviews with political prisoners subject to the restriction mentioned in (*b*) ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: In consequence of instructions received from the Government of India new rules have recently been framed and will come into force on 15th November. A copy of the new rule relating to interviews is laid on the table. It is a fact that under orders which have been in force since May last, persons who have been convicted of political offences have not been permitted to have interviews with political prisoners. In the new rule there is no such restriction.

Rule referred to in the answer to question no. 9 asked by PANDIT HIRDAY NATH KUNZRU SAHIB, *on the 8th November*, 1922.

* * * * * *

10. *Interviews.*—Visits should be permitted once a month only. The superintendent will have discretion to relax this rule on urgent occasions, for example, in the case of death or serious illness in the prisoner's family. Three persons only to be seen at each visit. The conversation should be limited to private and domestic matters. Discussion of politics should not be allowed. Publication of an account of an interview may be treated as sufficient ground for the withdrawal of the privilege, if the superintendent has reason to believe that such publication has been due to any act or omission on the part of the prisoner.

* 10. **Pandit Hirday Nath Kunzru:** Is it a fact that under the rules referred to in the previous question, a political prisoner cannot be allowed an interview with his father and mother at the same time ? Will the Government be pleased to modify them so as to allow a prisoner to see four relations, male or female, at the same time ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Hitherto only one visitor at each interview has been permitted, except in special cases. Under the new rule the number has been raised to three.

Pandit Hirday Nath Kunzru: With reference to the copy of the new rules (a copy of which has been attached to the answer), may I inquire as to what is the period after which an interview is allowed now-a-days ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Once a month.

Pandit Hirday Nath Kunzru: Is it even now once a month or once a fortnight ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Up to the 15th November, when the new rules will come into force, the visits will be allowed once a week.

Pandit Hirday Nath Kunzru: Am I to understand that under the new rules visits will be allowed only at intervals of a month, and in that respect the new rules have been made more stringent under the Government of India's orders ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes.

Pandit Hirday Nath Kunzru: Have the Government of India sent down the new rules and ordered the Local Government not to allow more frequent interviews?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes.

Pandit Hirday Nath Kunzru: Were they not framed by the Local Government and sent up to the Government of India for sanction?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

Rai Sita Ram Sahib: I want to inquire whether the rule which says that the period of interview should be once a month, has been sent down by the Government of India.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I think so.

Pandit Hirday Nath Kunzru: If the Hon'ble the Home Member is not sure, may I request him to be good enough to make an inquiry?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The Government of India sent down the rules, which have been adopted by this Government.

Pandit Hirday Nath Kunzru: With reference to question No. 10, may I inquire whether male and female relations up to the number of three specified in the rule can see a prisoner at the same time?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes.

Salaries of the administrative staff of the Allahabad University and their retrenchment.

* 11. **Pandit Hirday Nath Kunzru:** (*a*) Have the salaries of any members of the academic or administrative staff of the Allahabad University been increased during the current financial year?

If so, will the Government be pleased to lay on the table a list of the persons concerned, stating their present and former salaries?

(*b*) Did the Local Government sanction the increases referred to in (*a*)? If not, who sanctioned them and by what authority?

(*c*) Was a proposal for an increase in the salary of the Registrar received by the Local Government from the Director of Public Instruction or the present Vice-Chancellor of the Allahabad University before the beginning of the current financial year? If so, was it rejected?

The Hon'ble Mr. C. Y. Chintamani: (*a*) Yes. A statement is laid on the table furnishing the information asked for.

(*b*) Yes, in the case of 1 and 2. The pay of the Registrar was increased by the Vice-Chancellor acting under section 54 (*f*) of the Act, with the concurrence of the Provisional Executive Council.

(*c*) The honourable member is referred to the reply given to the supplementary questions which were put in connection with question No. 25 on the day before yesterday.

Pandit Hirday Nath Kunzru: Is the Registrar the only persons whose pay has been increased?

The Hon'ble Mr. C. Y. Chintamani: According to the information obtained from the University office, of the three persons shown in the statement to whom an increase of salary has been given, the Registrar

is the only officer in respect of whom sanction of the Government was not obtained?

Pandit Hirday Nath Kunzru: With regard to the other two officers, was sanction of the Government obtained?

The Hon'ble Mr. C. Y. Chintamani: As will be seen from the statement, these officers have a certain grade of pay. They have obtained increases because of promotion from one grade to another.

Statement referred to in the reply to question no. 11 *for the* 8*th November,* 1922, *asked by* PANDIT HIRDAY NATH KUNZRU.

ACADEMIC STAFF.

	Previous pay. Rs. (per mensem.)	*Present grade and pay.* Rs. (per mensem.)
1. Dr. J. C. Weir ..	.. 1,400	Grade .. 1,000—50—1,500 Present pay 1,450
2. Dr. S. A. Khan ..	.. 1,200	Grade .. 1,000—50—1,500 Present pay 1,250

ADMINISTRATIVE STAFF.

	Rs. (per mensem.)	Rs. (per mensem.)
3. Mr. M. G. V. Cole ..	.. 1,206	Grade .. 1,000—50—1,500 Present pay 1,500

* 12. **Pandit Hirday Nath Kunzru:** Will the retrenchment officers be asked or allowed to inquire into the expenditure of the Allahabad University?

The Hon'ble Mr. C. Y. Chintamani: There is no such intention at present.

Pandit Hirday Nath Kunzru: May I ask the Hon'ble Minister for Education to reconsider his decision and let the Retrenchment officers examine the cases of all departments in which there is a likelihood of making an economy?

The Hon'ble Mr. C. Y. Chintamani: As the honourable member is aware, the University is being administered under a transitory provision. It is expected that in the course of a few weeks the University authorities provided for by the Act, including the Committee of Reference and the Executive Council, will be constituted. If it should appear to the Government later on that inquiry by an external authority like the Retrenchment Committee is necessary, the Government will be glad to consider the honourable member's suggestion.

Punitive police.

* 21. **Pandit Brijnandan Prasad Misra:** (*a*) Will the Government name the areas and the districts, if any, in these provinces, which are still under the guard of punitive police?

(*b*) What circumstances led to the posting of the punitive police in each of these areas and what is the justification for their retention and continuation in future?

(*c*) What is the amount of the punitive tax imposed upon these provinces since the advent of the Reforms?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The information is being obtained and a reply will be given at a later date.

Security for keeping the peace.

* 22. **Pandit Brijnandan Prasad Misra:** (*a*) Will the Government state the number of notices issued by the City Magistrate of Aligarh from the 5th of July to the 20th of July, 1922, calling on people to show cause why they should not furnish security for keeping the peace?

(*b*) How many of the aforesaid notices were against those persons that had taken part in the meeting of the 5th July held to commemorate the death of those that were killed in the last year's riots?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) and (*b*) No notices were issued calling on any persons to show cause why they should not furnish security for keeping the peace. Action was taken under section 108, Criminal Procedure Code, against one person who took part in the meeting in question, and security was furnished.

Arms licences.

* 23. **Pandit Brijnandan Prasad Misra:** (*a*) Have any fresh rules been recently framed by the Government under the Arms Act that authorize the District Magistrate to exact an undertaking from the persons applying for a licence for possession of firearms to the effect that the firearms shall not be used against the British Government?

(*b*) If not, will the Government inquire from the Magistrate of Etawah why he made such an undertaking a condition precedent to the renewal of a gun licence of Babu Zorawar Singh, a loyal and leading lawyer of Etawah?

(*c*) Will the Government reprimand the Magistrate for his novel and illegal procedure?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) There has been no recent change in the rules that came into effect on 1st January, 1920. These rules give the District Magistrate wide discretion as regards the grant and refusal of licences.

(*b*) and (*c*) The honourable member is referred to the reply given to question No. 38 on 2nd November, 1922.

Pandit Brijnandan Prasad Misra: Will the Government kindly state as to whether the discretionary power to be exercised by the Magistrates is only in respect of the granting of licences, or also in regard to taking undertakings of the kind referred to in my question?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I ask for further notice.

Prosecutions and acquittals in Kumaun forest incendiarism cases.

* 24. **Pandit Brijnandan Prasad Misra:** (*a*) Were any prosecutions launched against any persons in connection with what is called forest incendiarism in the Kumaun hills?

(*b*) Will the Government state the number of the cases, showing the number of the accused in each case, together with the number of the

discharges and acquittals and of the convictions, stating the punishments awarded to each accused?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) Yes.

(*b*) The information is being collected and will be furnished later.

Arms licence —Case of Pandit Moti Lal Nehru.

*25. **Pandit Brijnandan Prasad Misra:** (*a*) Is it a fact that the firearms of Pandit Moti Lal Nehru have been ordered to be deposited by the Magistrate of Allahabad before the expiry of the term of his licence?

(*b*) If the reply to the above be in the affirmative, will the Government inquire from the Magistrate the reasons for this step?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The honourable member is referred to the answer given to question No. 71 for the 25th October.

Arms licence—Case of Babu Banke Bihari Varma.

*26. **Pandit Brijnandan Prasad Misra:** (*a*) Will the Government inform the Council why the gun licence of Babu Banke Bihari Varma of Sombhali darwaza, Moradabad, was not renewed and the gun ordered to be deposited by the District Magistrate of Moradabad?

(*b*) Is it a fact that Kunwar Abdul Karim Khan Sahib, Magistrate, 1st class, Moradabad, sent an order in writing to Babu Banke Bihari Varma on the 11th April, 1922, to appear at his house between 8 a.m. and 10 a.m. on the 14th of April, 1922, to show what war services Mr. Varma had rendered to the Government?

(*c*) Was this order of Kunwar Abdul Karim Khan Sahib issued at the instance of the District Magistrate and in connection with the renewal of the gun licence of Babu Banke Bihari Varma?

(*d*) Are there any rules under the Arms Act that authorize an inquiry of this kind previous to the issue or renewal of a licence for the possession of a firearm?

(*e*) Did the District Magistrate refuse the issue of a copy of the order refusing the renewal of the licence to Babu Banke Bihari Varma?

If so, what were the reasons for refusing the copy?

Will the Government lay a copy of the order refusing the renewal of the licence on the Council table?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) The District Magistrate refused to renew the licence in exercise of the discretion vested in him, and under instructions referred to in answers to questions Nos. 14 and 23 for the 5th August, 1921, and No. 71 for the 25th October, 1922.

(*b*) The fact is believed to be as stated.

(*c*) The order was issued by the Deputy Magistrate on his own authority. The Deputy Magistrate had been asked by the Magistrate to report on the application of Babu Banke Bihari Varma.

(*d*) The honourable member is referred to answer No. 23 of today's date.

(*e*) Yes. The order was not subject to appeal. The answer to the last part is in the negative.

Pandit Brijnandan Prasad Misra: Will the Government kindly inform the Council if there are any rules that authorize the District Magistrate to ask for the war services of the person who applies for a gun licence ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: It is within the District Magistrate's discretion.

Pandit Brijnandan Prasad Misra: Is it given expressly in the rules relating to the Arms Act ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

Pandit Brijnandan Prasad Misra: Under what authority did the District Magistrate act in asking for the war services of Mr. Varma ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The District Magistrate has discretion in the matter.

Pandit Brijnandan Prasad Misra: Is it not a fact that under the rules the District Magistrate has no discretionary power as regards the making of any preliminary inquiries as to war services of the person who applies for a licence ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I have already explained the position. Everything is left to the discretion of the Magistrate, and he has such discretionary power under the rules.

Pandit Brijnandan Prasad Misra: Will the Government kindly let me know the rule under which the District Magistrate exercised this discretionary power ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The rule will be shown to the honourable member.

Pandit Brijnandan Prasad Misra: Will the Government cite the number of the rule under which the Magistrate acted ?

No reply was given to this question.

Pandit Hirday Nath Kunzru: May I ask the Government to vary the instructions, so that the District Magistrate might not make inquiries in the case of renewals of licences ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The Government will consider the question if necessary.

Pandit Hirday Nath Kunzru: What are the conditions which in the opinion of the Government will render the examination of this question necessary ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I have explained my position in this respect, and I do not wish to go beyond what I have said.

Cases under section 203 of the Code of Criminal Procedure in Pilibhit.

* 27. **Pandit Brijnandan Prasad Misra:** (*a*) What is the number of the complaints dismissed under section 203 of the Criminal Procedure Code by Pandit Tika Ram Joshi, Magistrate, 1st class, since he came to Pilibhit ?

(*b*) How many orders of such dismissals were taken up for revision before the District Magistrate and in how many of them were orders for further inquiry made ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: A reply will be given at a later date.

Stoppage of promotion of ahlmads and court readers and illegible writing of order sheets and depositions in revenue and criminal courts.

* 33. **Pandit Nanak Chand:** (*a*) Has the attention of the Government been drawn to letter No. 887—44, from the High Court, Allahabad, to all District Judges subordinate to the said High Court, dated the 3rd March, 1914, where it has been suggested that the promotion of ahlmads and court readers who cannot write legibly should be stopped?

(*b*) Has the attention of the Government been drawn to bad and illegible writing of order sheets and depositions in revenue and criminal courts which causes a great deal of inconvenience to, and wastes the time of, persons whose business it is to read the said documents and also leads to, waste of time in, and issue of incorrect copies from, the copying department?

(*c*) Does the Government propose to take any steps to remove the complaint or to issue instructions similar to those issued by the High Court?

The Hon'ble Pandit Jagat Narayan: An answer will be given at a later date.

Government gardens.

*34. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to give a list of Government gardens in these provinces?

(*b*) How many garden superintendents are Hindus or Muhammadans?

(*c*) Has any Indian been so far appointed as a garden superintendent, if so, where and for how long?

(*d*) Was any Hindu or Muhammadan ever appointed as a permanent garden superintendent, if not, will the Government be pleased to remove this complaint by throwing open a suitable number of these posts to Hindus and Muhammadans?

The Hon'ble Mr. C. Y. Chintamani: (*a*) Government and important nazul gardens of these provinces are as follows:—

1. The Botanical Gardens, Saharanpur.
2. The Circuit House Gardens, Dehra Dun.
3. The Horticultural Gardens, Lucknow.
4. The Government Gardens, Allahabad.
5. The Taj and other Gardens, Agra.
6. Nazul Gardens, Fyzabad.
7. Government Gardens in Kumaun (at Jeolikote, Chaubatia, and Sitoli).

(*b*) None.

(*c*) No.

(*d*) No. The complaint will, however, be remedied. As stated in Government resolution No 206/XIV—A—67, dated the 11th March, 1922, published at pages 198 to 202, Part VIII of the *United Provinces*

Gazette of the 18th March, 1922, no further recruitment will be made in England, and a scheme for the training of Indians as garden superintendents is being drawn up by the Director of Agriculture.

Case of Pandit Misri Lal of Chhata, district Muttra.

*38. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state how Pandit Misri Lal of Chhata, district Muttra, who was convicted on the 15th March, 1922, under the Criminal Law Amendment Act has been classed as an ordinary prisoner by the District Magistrate, Muttra, in spite of the recommendation of the trying Magistrate to the effect that he should be treated as a political prisoner?

(*b*) Will the Government be pleased to state what treatment is being accorded to the said prisoner and where he is lodged?

(*c*) If he is being treated as an ordinary prisoner, does the Government propose to treat him as political prisoner and, if so, in what class?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) Special treatment was not recommended by the District Magistrate.

(*b*) He was sentenced to rigorous imprisonment. His sentence expired on the 14th of September.

(*c*) Does not arise.

Salt contractors at Khurja, Sikandrabad and Debai.

*44. **Pandit Nanak Chand:** Will the Government be pleased to state the names of the salt contractors at Khurja, Sikandrabad and Debai and whether they are members of *aman sabhas*?

*45. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state if Seth Jawahar Lal Jain of Sikandrabad gave up his salt contract of his own initiative or his contract was cancelled by the District Magistrate, if so, on what grounds?

(*b*) Is it a fact that Seth Jawahar Lal is not a member of *aman sabha* and belongs to the Congress party? If so, did this fact lead to the cancellation of his contract at the time of renewal?

(*c*) Was any other contract so cancelled in the district?

*46. (*a*) **Pandit Nanak Chand:** Will the Government be pleased to state what are the nearest distances of the places from which the towns of Jahangirabad, Anupshahr, Siyana, Dankour, Dadri and Bulandshahr get their supplies of salt from the salt contractors in the district and have the purchasers to pay the cartage for carrying salt to these towns from the salt contractor's places of business or the cartage is paid by the salt contractors themselves?

(*b*) If former be the case, will the Government be pleased to direct the district authori ies to give salt contracts for these towns to persons independently of their being members of *aman sabhas* or not with a view to local consumption and cheapness?

The Hon'ble Sir Ludovic Porter: A reply will be given at a later date.

Superintendents of Central Jails.

*47. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state the qualifications of Dr. A. McCurtis, Superintendent, Central Jail, Fatehgarh?

(*b*) Is it a fact that the said superintendent is neither an I. M. S. nor an I. M. D.?

*48. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state if any Indian has so far been appointed as superintendent of any central jail, if so, when, where and for how long?

(*b*) Will the Government be pleased to consider the desirability of appointing some Indian superintendents for central jails at an early date?

*49. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state the considerations on which appointments to the office of superintendent, central jail, are determined?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Answers will be given at a later date.

UNSTARRED QUESTIONS.

Acquisition of land for Sarda Canal.

13. **Munshi Muhammad Fazl-ur-Rahman Khan:** Will the Government be pleased to state the rates at which compensation is being allowed to the landowners whose land has been acquired for the Sarda canal in the Shahjahanpur district by the present Land Acquisition Officer?

14. **Munshi Muhammad Fazl-ur-Rahman Khan:** Will the Government be pleased to state the year in which the rate of compensation for land was fixed?

15. **Munshi Muhammad Fazl-ur-Rahman Khan:** Will the Government be pleased to state if it is aware that during the period which intervenes between the present year and the year in which the rate of compensation was fixed for the last time, the price of land has abnormally risen, and the purchasing value of money much decreased?

16. **Munshi Muhammad Fazl-ur-Rahman Khan:** Will the Government be pleased to state if it is prepared to revise the rate of the said compensation at an early date?

The Hon'ble Sir Ludovic Porter: Inquiries are being made and a reply will be given later.

Cawnpore water-works.

17. **Pandit Balbhadra Prasad Tiwari:** (*a*) Has the Government received any letter from the Upper India Chamber of Commerce of the United Provinces on the question of the improvement and the extension of the Cawnpore water-works?

(*b*) If the answer to the above is in the affirmative, what action has been taken on it by the Government?

Mr. G. B. F. Muir: (*a*) Yes.

(*b*) The municipal board has been requested to expedite its proposal for financing the re-organization of the water-works.

18. **Pandit Balbhadra Prasad Tiwari** : (*a*) Will the Government be pleased to state what sum has been given by the Public Health committee to the different cities for water-works schemes ?

(*b*) Whether the Cawnpore municipality has got any grant, if not, why ?

Mr. G. B. F. Muir : (*a*) The attached statement gives the required information.

(*b*) No application for grant was received by the Board of Public Health from the Cawnpore municipality.

Statement referred to in the reply to question No. 18 *asked by* PANDIT BALBHADRA PRASAD TIWARI SAHIB *on the 8th November*, 1922.

Name of municipality.	Amount.
	Rs.
Naini Tal	1,60,000
Lucknow	3,00,000
Fyzabad	1,50,000

Floods in the United Provinces.

19. **Pandit Balbhadra Prasad Tiwari** : (*a*) Will the Government be pleased to lay on the table a report of the recent flood in the United Provinces with the general condition of the crops in the affected area and the estimated loss ?

(*b*) Does the Government intend to give any kind of help to the sufferers from the flood ?

Mr. G B. F. Muir : (*a*) The information available at present is given below :—

Rohilkhand division—

Bareilly and Budaun. In both these districts there have been severe floods and considerable damage has been done to the *kharif* crop. Some damage also has been done by floods in the Moradabad district but this appears to be slight.

Allahabad division—

Heavy floods are reported to have occurred in the Aligarh tahsil in the Farrukhabad district and to have injured the *kharif* crops severely.

Gorakhpur division—

Floods accompanied by considerable damage have occurred in the Basti district but no detailed report has yet been received.

Lucknow division —

Extensive and heavy floods have occurred in the Unao, Hardoi and Kheri districts causing severe injury to houses, standing crops and grain stocks, and floods on a lesser scale have also occurred in the Lucknow, Rae Bareli and Sitapur districts.

Fyzabad division—

In this division floods appear to have been general, and the Fyzabad, Gonda and Bahraich districts have suffered serious losses.

(*b*) *Taqavi* has been and is being distributed on a liberal scale. Local officers have not as yet made recommendations to the Board of Revenue regarding remissions and suspensions, as the amount of damage

caused has not yet been worked out in detail. The recommendations will be considered when received.

Cawnpore-Lucknow Road.

20. **Pandit Balbhadra Prasad Tiwari:** Is the Government aware that the road leading from Cawnpore to Lucknow is always under water in the rainy season at three places, causing great difficulty to the passers by? Will the Government be pleased to refer the matter to the Board of Communications for taking some necessary steps to remove this permanent trouble?

Mr. A. C. Verrieres: The honourable member is referred to the answer given to question No. 79 asked by Rai Vikramajit Singh Bahadur at the Council meeting of the 28th October, 1922.

Bailable offences tried by Pandit Tika Ram Joshi, Pilibhit.

28. **Pandit Brijnandan Prasad Misra:** (*a*) Will the Government state the number of bailable offences tried by Pandit Tika Ram Joshi, Magistrate, 1st class, since he came to Pilibhit?

(*b*) In how many of such cases were the accused detained in *hawalat* after the presentation of the surety bonds owing to the same being referred to the tahsildar for inquiry into the circumstances of the sureties?

(*c*) In how many of the aforesaid cases were the surety bonds certified by practising lawyers and what reasons did the magistrate set forth for not accepting such certification?

(*d*) In how many of the cases mentioned in (*b*) were the bonds found unacceptable after the inquiry and the report of the tahsildar?

(*e*) Will Government state what special reasons prompted the said Magistrate to adopt the procedure of referring the said inquiry to the tahsildar instead of himself holding the same?

Mr. L. S. White: A reply will be given at a later date.

Local allowance to clerks of collectorate, Pilibhit.

29. **Pandit Brijnandan Prasad Misra:** (*a*) Has the Government received any memorial from the clerical staff of the Collectorate of Pilibhit praying for a local allowance for bad climate and long distance of courts from the city?

(*b*) If so, what steps did the Government take upon their prayer?

(*c*) If not, will the Government inquire if any memorial for a local allowance was presented to the Collector of Pilibhit by the members of the said staff for transmission to the Government during the current year?

(*d*) By whom was the memorial in question stopped in the course of its passage and what were the reasons for its detention?

30. **Pandit Brijnandan Prasad Misra:** (*a*) Is it a fact that the Collectors of Pilibhit have from time to time suggested various remedies to compensate the disadvantages of long distance and bad climate in the way of providing for conveyance or for quarters near the court, or for local allowance?

(*b*) Did Mr. Pike's Committee also recommend a local allowance 10 per cent. of pay in view of the special circumstances of the district ?

31 **Pandit Brijnandan Prasad Misra :** What action does the Government propose to take for compensating for the disadvantages under which the clerical staff of the Pilibhit collectorate labour ?

32. **Pandit Brijnandan Prasad Misra :** (*a*) What steps has the Government so far taken to fulfil the assurance it gave in reply to the resolution of Thakur Prasidh Narayan Singh, M.L.C., for making the post of copyists pensionable and for removing the age bar to their entry into pensionable posts ?

(*b*) Will the Government lay on the table the reports, if any have so far been received, as to the success or otherwise of the experiment of the piece-work system ?

(*c*) What action does the Government propose to take in view of these reports for redressing the grievance of the copyists ?

Mr. G. B. F. Muir: An answer will be given at a later date.

Government gardens.

35. **Pandit Nanak Chand :** Will the Government be pleased to lay a statement on the table showing the expenditure upon, and income received from, each of the Government gardens during the year 1921-22 ?

Mr. A. B. Reid : A statement is laid upon the table.

Statement referred to in reply to question No. 35 for the 8th November, 1922.

Name of garden.		Income for 1921-22.	Expenditure for [illegible]
		Rs.	
Government Botanical Gardens, Saharanpur	..	21,299	
Circuit ouse Gardens, Dehra Dun ..	..	..	
Government Horticultural Gardens, Lucknow	..	8,344	
Government Gardens, Allahabad ..	..	21,445	
Taj and other Gardens, Agra	..	11,775	
Nazul Gardens, Fyzabad	..	1,824	
Kumaun Gardens .. Dehra Dun and Jeolikote Gardens	..	4,014	
Kumaun Gardens .. Chaubatia and Sitoli Gardens	..	7,908	

36. **Pandit Nanak Chand :** Does the Government propose to [illegible] of the Government gardens if they do not prove financially su[illegible] during the current year ?

Mr. A. B. Reid : As stated in the resolution referred to in [illegible]ly to question No. 34, a new scheme of management has been intro[illegible]with the express object of increasing receipts and reducing exper[illegible] A decision will be taken upon the question raised by the [illegible]able member after Government know the results of the new schem[illegible]

Wire-fencing of Ramghat bridge at Bulandshahr.

37. **Pandit Nanak Chand :** (*a*) Is the Government aware that a large number of people assemble at Ramghat, district Bulandshahr, at the time of Ganges fair and have to use Ramghat Bridge on Lower Ganges Canal ?

(*b*) Is the Government aware that there have been several accidents during the past years for want of proper fencing and narrow width of the bridge ?

(*c*) Will the Government be pleased to order the construction of wire-fencing on the side parapets to safeguard against the chances of accidents ?

The Hon'ble Sir Ludovic Porter : Inquiries are being made and a reply will be given later.

Allegations against the District Magistrate, Muttra.

39. **Pandit Nanak Chand :** Is the Government aware that Mr. A. F. Fremantle, District Magistrate of Muttra, attempted to lead a procession of sweepers through the streets of Muttra on the 12th March, 1922, one of the *Holi* festival days, and thereby created a situation likely to endanger public peace in a centre of religious orthodoxy and place of pilgrimage, and that a riot took place resulting in injuries to several persons ?

Mr. G. B. Lambert : The allegation as regards the District Magistrate is unfounded.

40. **Pandit Nanak Chand :** Will the Government be pleased to inquire if the strike of local sweepers was their spontaneous act and was not promoted by the officials as a reprisal against the Congress activities of the town, also if the procession had any precedent in previous years, whether it had the support of the local gentry, and whether it was sprung upon them as a move to strain the relations between different communities ?

Mr. G. B. Lambert : The suggestion that the strike was promoted by officials is entirely without foundation.

41. **Pandit Nanak Chand :** Will the Government be pleased to inquire and state if it is a fact that Mr. Fremantle, District Magistrate of Muttra, while on a visit to Brindaban to see fireworks in connection with the Rang Nath festival on the 23rd March, 1922, ordered the police officers to belabour the people if the cry of *Mahatma Gandhi-ki-jai* was raised ?

Mr. G. B. Lambert : Inquiry has been made. The allegation is unfounded.

Salt contractors, Bulandshahr.

42. **Pandit Nanak Chand :** Will the Government be pleased to state how many salt contractors are there in Bulandshahr district, in what towns these contractors carry on their business, and what are the distances of their places of business from the nearest railway station in each case, and what is the rate of cartage allowed to each of these contractors ?

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43. **Pandit Nanak Chand :** Is it a fact that the salt contract for 28 andrabad is for Didwana salt, which is considered to be of inferior quality and is not in demand there and consequently Sambhar salt is imported from outside for local consumption ?

Mr. H S. Crosthwaite : A reply will be given at a later date.

ELECTION OF MEMBERS TO THE COURT OF THE ALLAHABAD UNIVERSITY.

The Hon'ble the President: The result of the voting for the election of five members to the Court of the Allahabad University was as follows:—

Mr. Zafar Husain.
Mr. Shakir Ali.
Mr. K. P. Singh.
Pandit Nanak Chand.
Thakur Manak Singh.

These members are declared to be elected.

THE UNITED PROVINCES BOARD OF REVENUE BILL, 1922.

The Hon'ble Sir Ludovic Porter: I beg to move that the United Provinces Board of Revenue Bill, 1922, be referred to a select committee consisting of the following members:—

Mr. S. H. Fremantle,
Rai Anand Swarup Bahadur,
Rai Kunwar Parmanand Bahadur,
The Nawab of Chhatari,
Pandit Gokaran Nath Misra,
Rai Sita Ram Sahib,
Lieutenant Shaikh Shahid Husain,
The Legal Remembrancer,
Mr. G. B. F. Muir,
Khan Bahadur Shah Badre Alam, and myself.

I further move that they be instructed to report within one month from today. The matter is purely technical, and as it is a difficult job, and as there may be some mistakes in the Bill, there is no occasion to rush it through. But still, I think, the report can easily be made within one month and the Bill passed at the next session.

Rai Sita Ram Sahib: I want to make a suggestion to the Hon'ble the Finance Member, that he may be pleased to add the name of Babu Chhail Bihari Kapur, who served on the Commissioners' Inquiry Committee, to this committee, because the Commissioners' Inquiry Committee and this committee are, perhaps, correlated to a certain extent.

The Hon'ble Sir Ludovic Porter: I have no objection at all.

The motion that the name of Babu Chhail Bihari Kapur be added to the personnel of the committee was put and adopted.

The amended motion that the United Provinces Bill, 1922, be referred to a select committee constituted as above was then put and adopted.

THE UNITED PROVINCES DISTRICT BOARDS BILL, 1921.

CLAUSE 7.

The motion that clause 7 do stand part of the Bill was put and adopted.

CLAUSE 8 (1).

Mr. G. B. F. Muir: I wish to move this amendment in a modified form. In place of the words "In areas outside the Kumaun division, and in the Kashipur sub-division of the Naini Tal district" the following be substituted—"In areas outside the hill pattis of Kumaun."

The object of this amendment is simply to follow the wording of the qualifications for electors to this Council We have the provincial electoral roll and although the qualifications under this Bill are not identical with the qualifications for electors to this Council, still the existence of the provincial electoral roll will doubtless render some assistance in the preparation of the rolls for District Board elections, and it is desirable to adhere as closely as possible to the wording of the qualifications for the provincial electoral roll.

The motion was put and adopted.

Mr. G. B. F. Muir: I move that in the fourth line of sub-clause (1) (*a*) of clause 8 of the Bill for the word "proprietor" the word "owner" be substituted.

Thakur Hanuman Singh: I have no objection to this amendment, as it does not interfere with the amendment which I have standing in my name.

The motion was put and adopted.

Thakur Hanuman Singh: I rise to move that in clause 8(1) of the Bill in the second paragraph, line 1, put a comma after the word "owner" and after the comma insert the words "under-proprietor or permanent lessee."

In moving this amendment, Sir, I have to say that under-proprietors and permanent lessees have the same status as regards the payment of land revenue or rent as proprietors have. They are not cultivators in any way. Their tenants acquire occupancy rights; they are not sub-tenants. So they should be classed with the landholders and not with the tenants.

Mr. G. B. F. Muir: The principle on which the honourable member bases his suggestion has in fact been recognized in the provincial electoral roll. An under-proprietor and a permanent tenant whose rent is Rs. 25 receives a vote, whereas ordinary tenants do not receive a vote unless they pay Rs. 50 as rent. If the honourable member will refer to amendment No. 38 on the paper he will find an amendment standing in the name of the Hon'ble Minister which introduces the qualification, which he desires, in the words of the rules which relate to the provincial elections. As I have already explained, it is desirable to adhere to the wording of those rules as closely as possible and I hope that the honourable member will withdraw his amendment in favour of the amendment which is going to be moved.

Thakur Hanuman Singh: On the assurance that men who pay Rs. 25 as rent will be given a franchise, I withdraw my amendment.

The amendment was, by leave of the Council, withdrawn.

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The object of this amendment is simply to follow the wording of the qualifications for electors to this Council We have the provincial electoral roll and although the qualifications under this Bill are not identical with the qualifications for electors to this Council, still the existence of the provincial electoral roll will doubtless render some assistance in the preparation of the rolls for District Board elections, and it is desirable to adhere as closely as possible to the wording of the qualifications for the provincial electoral roll.

The motion was put and adopted.

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Thakur Hanuman Singh: On the assurance that men who pay Rs. 25 as rent will be given a franchise, I withdraw my amendment.

The amendment was, by leave of the Council, withdrawn.

Mr. G. B. F. Muir: Sir, I move that for the words "Rs. 25 or more per annum exclusive of cesses" the words "not less than Rs. 25 per annum" be substituted.

The Hon'ble the President: The motion before the Council is that after the words "amounting to" the words "Rs. 25 or more per annum exclusive of cesses" be omitted and the words "not less than Rs. 25 per annum" be substituted.

Pandit Gokaran Nath Misra: May I inquire with reference to the motion No. 31 which has just been moved whether it is the idea to substitute the words "outside the hill pattis of Kumaun" for "outside the Kumaun division and in the Kashipur sub division of the Naini Tal district"—is it the idea to include the area of Kashipur sub-division of Naini Tal district in the general rural area?

Mr. G. B. F. Muir: I believe that will be the effect.

The amendment was put and adopted.

Rai Bahadur Kunwar Parmanand withdrew the following amendment:—

In clause 8(1)(*a*) between the word "undivided" and "family" insert the word "Hindu."

Babu Shankar Dayal: So far as I understand the undivided Hindu family system is to be found only among the Hindus and hence I think it is necessary to have this amendment in order to make the meaning clear unless the authors of the Bill mean differently.

The Hon'ble the President: Is the honourable member moving his motion?

Babu Shankar Dayal: Yes, Sir.

The Hon'ble the President: Will the honourable member move it formally?

Babu Shankar Dayal: The motion which stands in my name runs thus:—

In clause 8, sub-clause (1)(*a*) insert the word "Hindu" between the words "undivided" and "family."

So far as I understand, the undivided family system is found only among the Hindus. I therefore propose that the word "Hindu" be inserted in order to make the meaning clear.

Mr G. B. F. Muir: I do not think there is any objection to the insertion of the word "Hindu." It makes clear what I believe to be the intention of the addition made by the Select Committee.

Thakur Hanuman Singh: According to the wording of the section it will depend much upon the way in which the joint owners of land will be regarded. If the word "Hindu" is inserted, all those who are not Hindus and who are joint owners will not get the vote. There are too many entered as joint co-sharers in village records, so I think a good many will be deprived of the right of voting. While the amendment may be in no way injurious to the Hindus, to other communities such as Sikhs, Muhammadans and others it may prove injurious. I have nothing more to say.

Pandit Nanak Chand: Whatever I wanted to say has been placed before the Council by my friend from Ballia. I do not think I have anything to add.

Mr. C. M. King: I do not think there is any real objection to inserting the word "Hindu," but I would like to point out that in section 18 of the Municipalities Act we find the expression "undivided family." The framers of that Act did not think fit to use the expression "undivided Hindu family." "Undivided family" seems to be the expression which has found favour with the Legislature hitherto and, so far as I am aware, it has raised no difficulty.

Pandit Gokaran Nath Misra: The object of the Select Committee in retaining the words "undivided family" was that there may be certain families, which may not be strictly speaking Hindu families, but they might be following the custom or system which prevails among Hindus and therefore those words were left in as they stood. Of course, in the ordinary sense the case of a joint Hindu family will come under this clause, but the words were left wider in order to cover the case of any other family which may not be strictly a Hindu family, such as a Sikh family, which follows the rule of Hindu law, or it may be a Muhammadan family according to some particular custom prevailing amongst them. One cannot say whether such a case will ever arise, but in order to cover a case of that sort, the words were left as they are.

Saiyid Al-i-Nabi: So far as the words "undivided family" are concerned, I do not think they have any legal significance attached to them. They are common words. They are used in common parlance. "Undivided family" means any undivided family. The expression "joint Hindu family" is a different phrase and has its own meaning. An undivided family means any family composed of Hindus, Muhammadans, Christians or any community, and I think the words "undivided family" as contained in the Bill have their meaning in the sense that the family may be of any class of people, people of any persuasion and religion and cannot only be confined to a Hindu family. The Bill as it stands is, I think, perfectly correct.

Babu Shankar Dayal: Sir, as I understand now from the speech of Saiyid Al-i-Nabi that there are certain Muhammadan families also which may be denominated as undivided families. To avoid disruption in the House on this point I beg to withdraw my motion.

The motion was, by leave of the Council, withdrawn.

The Hon'ble Pandit Jagat Narayan: May I take it that motion No. 23 [in clause 8(1)(*a*), *for* "Rs. 25" *substitute* "Rs. 10"] is not moved?

The Hon'ble the President: The Council has already agreed that "not less than Rs. 25" should be substituted for "Rs. 25 or more." Therefore I take this motion as having fallen.

Thakur Hanuman Singh: I may be permitted to point out that as the word "proprietor" in the first line of this paragraph has been changed into "owner," the same change may be made with regard to the word "proprietor" occurring in the seventh line of clause 8, sub-clause (1) (*a*).

The Hon'ble Pandit Jagat Narayan: That being a consequential amendment has already been noted.

The Hon'ble the President: If the honourable member will wait, I will call on him to speak. We have not arrived at that stage yet.

Mr. G. B. F. Muir: I move that the present sub-clause (*d*) be re-lettered (*e*).

The motion was put and adopted.

Babu Gendan Lal: I rise to move that in sub-clause (*d*), now sub-clause (*e*), of clause 8(2) of the Bill insert the following between the word "or" and the words "an examination" in the third line "a Sanskrit, Persian, Arabic or other vernacular."

My object in moving this amendment is that the educational qualification should also be taken as a qualification for the elector to send a representative to the district board. We have recognized the Matriculation examination and the School-Leaving Certificate examination in other branches of life and I fail to see any reason why an examination in Sanskrit, Persian or Arabic or other vernacular recognized by Government should not be considered to be a qualification. We have already recognized the value of education and we are giving every sort of encouragement to education, and my amendment would be rather an encouragement to educated persons to send a representative to the district board.

Mr. S. H. Fremantle: May I ask the Chair, as a matter of interpretation, are not Sanskrit, Persian and Arabic oriental classical languages, and not vernacular?

Rai Kunwar Parmanand Bahadur: It was not without much hesitation that I withdrew the amendment that I had put forward, but any furthur extension of the violation of the principle of franchise in my opinion should not be allowed. The Rule 13 Committee, of which we heard so much yesterday, distinctly laid down that property qualification solely and entirely ought to govern the franchise. By adding clause (*d*) which the Council has just dealt we have made an exception in favour of persons who may have passed the Matriculation examination or the School-Leaving Certificate examination. Togo on extending the educational test would be to further violate the principle that the franchise should be governed by a property test only.

I, therefore, oppose the amendment.

The Hon'ble Pandit Jagat Narayan: The Council already knows my personal opinion on the point. I gave expression to it when the United Provinces Municipalities (Amendment) Bill, which was passed yesterday, was being discussed. I was afraid that a concession made once will be followed with a request that it should be extended further and the argument will be used that once you have conceded the point you are not logical in withholding a further concession. This matter came up before the Select Committee and in deference to the views of the majority the Government accepted it and did not move an amendment. But if this right is going to be extended any further I think the honourable members of this House should pause and consider. I am still strongly of opinion that municipal franchise should be based on a property qualification. The real test is that only the man who pays rates has the right to be elected or to be an elector. However, having regard to the present circumstances of India and having regard to the desire of the majority of the honourable members that by this means we should encourage education, this clause was accepted in a restricted form and now it is intended to further extend the operation

of this clause. My difficulty is this. Supposing the amendment is accepted and the Minister of Local Self-Government decides that in his opinion there is no examination equivalent to the Matriculation or School-Leaving Certificate examination the clause would remain a dead letter. How is he to decide as to which Sanskrit or Vernacular or Arabic examination is equivalent to the School-Leaving Certificate? Again I put forward the oft repeated argument. Supposing a man has passed an examination of the Punjab University, or some other University and consequently holds a degree or diploma; is he in any way superior to your learned Maulvis and Pandits who are old men and who are masters of their own subjects, but who have not passed any examination at all. Therefore I think that instead of complicating the matter it would be wiser and better to be satisfied at present with what has already been given by this section.

Chaudhri Mukhtar Singh: I beg to move that the following words be added at the end of clause 8 (2) (*d*):—

"or any examination of proficiency in Indian vernaculars, or classical languages recognized by any of the Indian universities or recognized by the Local Government as equivalent thereto."

My main point in moving this amendment is that we allow a person who is a matriculate to be an elector and a candidate, while we do not give the same status to a person who is a Shastri or a Maulvi Fazil or who has passed any other examination. A matriculate has not any special qualifications to qualify him to become an elector or a candidate. Certainly by this amendment the franchise will be extended. But if the point is that we want to encourage education, and by adding this clause education will be encouraged, then there seems to be a prejudice against the vernaculars and classical languages. A person who has passed Matriculation examination only knows English, while he has qualified himself in no way better than one who has passed the Indian Vernacular examination or the Vernacular Final examination. Or if we take the case of a person who has passed the Urdu Proficiency examination or the Hindi Proficiency examination of the Punjab University, then I beg to submit that he is in no way inferior to a person who has passed the Matriculation examination. A Shastri or a Maulvi Fazil cannot be said to be a person less qualified than a mere matriculate. It is simply doing an injustice to other languages if we give preference to matriculates over other persons who have passed higher examinations. Take the case of a person who has passed the Shastri examination. In the Punjab University he can appear for the B. A. examination, while the Shastri examination is considered to be equivalent to M. A. in English. So I beg to submit it is doing sheer injustice to other languages and we shall be considered to be partial if we allow a matriculate to be a candidate while we do not recognize the claims of others who are equally qualified.

Babu Gendan Lal: I may be allowed to accept the amendment moved by my friend Chaudhri Mukhtar Singh.

The Hon'ble Pandit Jagat Narayan: I see the logical force of the argument advanced today. That was the very argument which was used by me when the matter was discussed in connection with the Municipalities Act. There is no denying the fact that what Chaudhri Mukhtar Singh has said is perfectly logical. The best way out of the difficulty seems to me to be to remove the whole clause,—that is my

[The Hon'ble Pandit Jagat Narayan.]

personal opinion—and not to give any right of vote on the basis of education. I want to remove one misapprehension which seems to prevail in certain quarters. On the last occasion when the matter came up in this Council for discussion I throughout used the words "rates or taxes" in connection with qualifications of electors. But I find from the papers that I was understood to mean that every elector should be an income-tax payer and on that assumption criticisms were based. My contention was that if a man who lived within a municipality or within a district board did not in any way contribute to the funds of the district board or the municipality, he had no right to complain that he is not given a vote. There is no question of income-tax at all. It is not necessary that he should be a landed proprietor, that he should be blessed with all the good things of this world. As I said before, anybody and everybody who is worth his salt, barring a few cases, will come under the clauses which prescribe the qualifications of electors. Therefore it is complicating matters if we introduce this. However, I leave the decision of this matter in the hands of the Council. Personally I am of the same opinion still, and nothing which has been urged today has induced me to change my opinion.

Saiyid Al-i-Nabi: I have heard with the greatest respect the remarks which have fallen from the lips of the Hon'ble Minister of Local Self-Government and Public Health. He says either take away the whole clause or keep it as it stands. That is his contention. I do not know how could that be the only position to take. In the peculiar circumstances of the country at the present state of its progress it is very necessary and I think it has been recognized by all that every encouragement is to be given to education. Of course I quite see the force of the argument that a person holding property or a person contributing to the funds of the district board is entitled to take a share in its administration. But that is not the only point. As I said, when we consider the circumstances of the country I think we have to give some share also to people who contribute by their brains. If people are intelligent enough to do things better than those who simply have the qualification of holding some property, if there are educated people and intelligent people, more intelligent at any rate than the holders of property, if they can read and if they can write, there is absolutely no reason that I could see why such persons should not appear on the list of voters or as candidates. Undoubtedly they ought to be there. Then it has been asked: Where is the line to be drawn if you take in these people who have qualified themselves in the various languages which have been mentioned by my friend the mover? It has been said that there would be no limit to it. Now the motion that has been accepted by the original mover is that those who have passed the proficiency examinations in the varions languages that have been mentioned should also appear on the list. Where is the difficulty about it? If they hold diplomas and if they hold certificates they are as much entitled to be there as the matriculates or school-leaving certificate holders. There can be no difficulty about it. On the other hand if this is not accepted there would be a legitimate grievance among those who hold perhaps better qualifications than mere matriculates and school-leaving certificate holders. There is no reason why men who have spent more years, more money and more time upon their education should

be left out in favour of men who have only a smattering knowledge of something in the vernacular and something in English.

The Deputy President: There is a motion in the name of Thakur Hanuman Singh. Is the honourable member going to move his amendment?

Rai Sita Ram Sahib: May I ask whether his amendment is not covered by the amendment moved by Chaudhri Mukhtar Singh because the Chaudhri Sahib says "or any examination of proficiency in Indian Vernaculars"? Need he then move his amendment?

Thakur Hanuman Singh: Will the Vernacular Final Examination be considered as an examination of proficiency.

The Deputy President: Does the honourable member wish to move his amendment or withdraw it?

Thakur Hanuman Singh: I wish to move my amendment. The amendment runs thus:—in clause 8 of the Bill, sub-clause (2) in (*d*) insert the words "or vernacular final" between the word "certificate" and the word "examination."

In moving this amendment I am sure to meet with great opposition from the Hon'ble Minister of Local Self-Government and Public Health and also from some of my honourable colleagues, but I am not afraid of that. I have just heard the Hon'ble Minister saying that either this clause should be deleted or persons who have passed other examinations should be included in it because widening the franchise will create difficulties. Am I to understand from that that on account of the difficulties of the Government people should not claim their rights and privileges? Well, Sir, encouragement to education generally and education among the masses specially is the crying need of the country. If the Vernacular Final examination passed men be enlisted as electors, it will, I am sure, give great encouragement to the people living in rural areas, because they will take to education in larger numbers and some of those who will pass the Vernacular Final examination will take to higher education also. In this way higher education will also permeate the masses. This is one reason, and the other reason is that in India and in England it has been pressed in the papers and from the platform that education of electors is the important factor in the development of the democratic Government or, I may call it, responsible Government. Unless the electors be intelligent, such education cannot be easily given. Can any one think that those who have nothing to do but cultivation, who do not know what is going on in the outside world, who have no touch with the educated and intelligent people, can understand to whom they should give their vote? I think not. Only those who have received some education can be expected to exercise their intelligence and common sense and find out who is the proper man to be elected for the Council or for the district board. Such men as are educated or have passed some examination can only be had by the encouragement of education in the rural areas. I am of firm belief that those who have received education in either Vernacular or English can, when elected as members of the board, do better work than those who can hardly even write their name.

It may be argued by those who may oppose this motion that vernacular middle passed men will be too young to be entered as electors,

[Thakur Hanuman Singh.]

To this my reply is that the age-limit will prevent their entry into the electoral roll. The period which will intervene between their passing the examination and 21 years of age will give them much more knowledge and experience to exercise their votes properly if they are given a franchise. It may also be said that thousands of examinees pass out every year and the electoral roll will be too large. I think the larger the electoral roll the better the elections. There is a general desire that franchise should be widened, hence there should be no restriction in the way of its extension. A great many of those who have passed the Vernacular Final examination will be entered in the electoral rolls as tax-payers under the tax on circumstances and property section, a great many will be landlords and tenants, and some of those who will take to English education will be S.L.Cs., matriculates and graduates. Besides this, some of them will not be qualified to be entered in the electoral roll, being under age. In this way their number will be very small to find place on the electoral rolls if my motion is accepted. To this small number of vernacular final passed men this Council should not grudge the franchise.

There is one thing more which may very strongly be urged against my motion and it is this: no representation without taxation. I may say that this argument is based on the consideration that those who do not pay any taxes will on their being elected to a board or to a council act as irresponsible members. In that connection I would submit that education places much responsibility upon a man. An uneducated man, however rich he may be—he may be paying a big sum for his taxes—cannot be considered to be more responsible, than one who has received education, and knows what is his duty. He can be expected to be more responsible in the discharge of his duty as a member of any council or board, or as a servant, gentleman or citizen.

For these reasons I place my motion before the House for its acceptance.

The Hon'ble Pandit Jagat Narayan: I regret to say that it is my painful duty to oppose this motion as strongly as possible. I would again make my position clear. I am not behind any gentleman here in the Council in my anxiety to hold out inducements for the expansion of education or for the diffusion of knowledge. But every argument that has been advanced in support of this motion is, in my humble opinion, not well founded. I think I was not properly understood by my honourable friend, Saiyid Al-i-Nabi. I accept every argument that he has advanced. I myself say, and have already said on previous occasions, that there will be injustice, there will be inequality, in certain cases if such a right is given to A and is withheld from B who is better or equally qualified. Now may I ask my honourable friend if he really thinks that all these young men who pass the Punjab University Entrance examination—I do not know the appropriate word for the Punjab University Entrance examination in Persian and Sanskrit—are in any way superior morally or educationally to the Maulvis or Pandits who have not passed any such examination? Will there or will there not be injustice if you give a right of vote to those men who have passed these examinations and withhold it from the Maulvis and Pandits who have not passed any examination?

In the second place is there any sense in giving the power of taxation to a body of men who are not at all affected by that taxation? I will take an extreme example. Supposing there is a board composed of 15 or 16 matriculates and persons who have passed a proficiency examination in Indian vernaculars and none of them possesses any of the qualifications mentioned in the Bill, will it be reasonable or justifiable that they should be allowed to tax others when that tax does not touch their own pockets? Is it not possible for men like these to come into a board and to say "Well, we pass a resolution that all the wealthy men and all the owners of houses should pay a ten per cent. house tax." The restraining influence is that when members of a board pass resolutions of taxation, they tax themselves also. That is the underlying principle. However, my point is this: can it be a real grievance? Can it really retard the progress of education in this country? Now let us examine the qualifications of electors provided by this Bill. Four pies per rupee would be the tax on circumstances and property. The income exempted would probably be a monthly income of Rs. 10 or 15. Every person who earns Rs. 10 a month will have a right of vote, if the rate as already fixed is accepted. Therefore my point is that if a man has passed the Vernacular Final the Matriculation or the School Leaving Certificate examination and was 14 or 15 years of age at that time and after seven years when he attains the age of 21 does not earn even Rs. 10 in the district where he lives, he is not entitled to a vote. I admit that there may be a few men, great men, men of learning and culture who do not care for the things of this world, who devote their lives to spiritual improvement and other matters and who will not fulfil any of the qualifications prescribed by this Bill for electors. I believe they would not care to offer themselves as candidates for either municipalities or district boards. My contention is that all those persons who have passed the Vernacular Final examination or who have passed the Matriculation examination or who have passed any other proficiency examination will come in as electors either as being tenants or as being landlords or as paying taxes on means and circumstances. Therefore my contention is that we should not give franchise on the basis of education. I admit that I am not consistent after having conceded this right to matriculates and S.L C's, but at the same time I consider that the honourable members who are proposing these various amendments are more illogical. As I have said on a previous occasion, why not, in the name of consistency make literacy a basis of our franchise and thereby help the spread of primary education. Caste aside all considerations of property qualification or payment of rates, which is the real basis in every civilized country, and say that because education in these provinces is very backward, we will make literacy as the one basis of giving a right of vote. I can understand this. That would be more logical. If it is thought that such a thing would be reasonable and practicable, I would be prepared to accept it; but when a concession is made in favour of some and is not made in favour of others who are equally qualified our position becomes unreasonable and illogical. Therefore I should not be accused of causing any dissatisfaction to any particular class of persons. I should not be accused of being against the expansion of education. I should not be accused of not realizing that educated men are better than illiterate persons. But does the vernacular examination connote that a man is educated? Is it not necessary for a person to be an

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elector that he should have strong common sense? The mere fact of a man's passing the Vernacular Final examination does not show that he is educated or that he will be able to discharge the duties of his office better than all Maulvis and Pandits who have passed no examination. I accordingly oppose the motion.

Rai Kunwar Parmanand Bahadur: I have . . .

The Deputy President: Does the honourable member intend to speak on the last amendment?

Rai Kunwar Parmanand Bahadur: Yes. I have nothing new to put forward, but I want to emphasize again what I said before, viz. that leaving out of account clause (*d*), we must strictly adhere to the principle that franchise should be based solely on property qualifications. If hereafter, when we have to deal with taxation clauses, the principle is to be urged that the residents of the rural area—zamindars and tenants—are to bear practically the whole of the burden of taxation, should not the Council be prepared in all fairness and justice to make the possession of property the basis for franchise? It will not do to carry the principle of encouraging education to the extent of practically saying that the zamindars and tenants should be forced by the decision of this Council to pay all taxes, to pay all expenses and that none of them who are not educated, who are not literate, should be allowed to say a word in the managment of district boards. Are not the members of this Council and the Government officials aware that 95 per cent. of the tenants are illiterate and that yet every one of them is paying taxes. Are we unaware that the great majority of the zamindars also are illiterate? Would it be just, would it be fair, would it be honest, that when every one of them, notwithstanding the fact that they are illiterate, is made to pay taxes, yet to encourage education we should include people in our franchise on the sole ground that they possess educational qualifications? I submit that it is not proper to do so, and with all the earnestness that I can command I oppose the amendment which produces a result inconsistent with the principle laid down by the Rule 13 Committee.

Mr. Ajodhya Das: It is rather surprising at this time, Sir, that my learned friend the Hon'ble Minister for Local Self-Government having more than once admitted that the position is illogical and that the position remains illogical with the insertion of clause (*d*) opposes this amendment. The question is, does the position become more illogical or less illogical by adopting the amendment proposed by Thakur Hanuman Singh? I submit that the position becomes less illogical. It is not right to say that property qualification should be the only qualification for franchise. In the East and perhaps also in the West we have always realized the power of the brain. It is not the power of wealth only which is able to control, but when you give power of taxation, labour, brain and wealth will play an equal part and you cannot say that the franchise should be limited to a property qualification. If that be so, Sir, then why give only one vote to the rich, why not give more votes to the same person. My honourable friend Kunwar Parmanand says, is it fair that the whole power of taxation should be in the hands of the educated when there are so many persons in the rural area who are not educated? We all know that the head guides. Unless you have got the brain to guide, it is no good to have any Council or district

board. The whole structure of the present opposition is based on property being the only guide for franchise in district boards or elections. I think there is a great difference of opinion on the point that property is not the sole guide and should not be the sole criterion for franchise for public bodies. Once that premise is withdrawn, I do not see what justification there is for saying, after retaining clause (*d*) :—"Give the power to matriculates and do not give that power to other persons who are equally well qualified by passing the Vernacular examination." The analogy on which the learned Minister for Local Self-Government said that it would make the position illogical does not hold water, because if you adopt that analogy even under clause (*d*) how would you prevent a number of candidates being returned to the board over the heads of others. In view of the principle that has been accepted in clause (*d*), namely that literacy should be a qualification for a vote, and the District Boards Bill being distinctly a liberal measure, I do not see what justification there can be for opposing this amendment. If you once adopt the logic of our situation and the need for extending the franchise, and having regard to the fact that their present position is illogical, has any case been made out as to how the position of the Government would be made less illogical by the acceptance of this amendment? I would therefore request honourable members not to oppose a measure which will simply be a cause of complaint to those who have not had the privilege or advantage of passing the English Matriculation examination. Of course there are many zamindars who would like to have the franchise limited much further, but those who are pledged to the principle of democracy do not see any justification for rejecting this motion.

It was argued, how would you satisfy the Maulvis and Pandits, who are no doubt able men, but who have got no diplomas or certificates? I say, how would you dissatisfy them by further introducing this clause? You do not satisfy them even now by retaining clause (*d*). If, therefore, you accept this motion, you do not create any more trouble than what exists already. With these words I would ask the members of this Council to vote in favour of the amendment, and not allow it to be rejected.

Pandit Nanak Chand: My friend Mr. Ajodhya Das has remarked that there are zamindar members in this Council who are opposed to any move which is of a democratic character. I want to dissociate from him on this point. There are certain zamindars who are of that view, but there are others who hold different views. I represent a rural constituency. In this debate the Hon'ble Minister for Local Self-Government, who has been connected for a long time with the administration of Municipal Board, has brought his impressions of urban areas to bear on matters relating to rural areas. I have more than once heard him say in this Council that men who do not pay any tax in any form to the local bodies should not be entitled to vote. He has repeatedly asked us to imagine persons who do not own even a cycle or an ekka or anything of that kind. Now, I wish to ask my friends, who come from rural areas as to how many people in villages possess cycles or ekkas. Unfortunately in the interior of the rural areas they have no metalled roads, and consequently have to remain without cycles or ekkas. Even the present Bill does not propose any vehicle tax, with the result that even if a literate person owns a vehicle, he will not be qualified to be an elector as he is not required to pay a vehicle tax. In urban areas the condition

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is different. Education is far more advanced in urban areas than in the rural areas. We may very well ignore matriculates or even Intermediates in urban areas in the matter of granting them votes, but in rural areas education being less advanced, I think it is necessary that the possession of a qualification whether in classics or in vernacular should be given a premium. My friend the Hon'ble Minister has been pleased to point out the difficulty which we will have to face, and he requires us to consider as to how we can ignore the case of Maulvis and Pandits who are very learned in their own branch of study but who do not possess any certificate for having passed examination? If they could be given the right of vote, I would be for it, but the difficulty in their case is that, in spite of the fact that they are very learned, their qualifications are unascertainable, and if every Pandit and Maulvi were to be made an elector there will be a possibility of enfranchising people who are not so learned as some of the Maulvis and Pandits may be. The Hon'ble Minister drew attention to the fact that, if some of these men are given the right to vote on the basis of their educational qualification and if they are returned to the district boards, they will be in a position to tax others while they themselves will not be affected by such taxes. I think it is casting a slur on the intelligence of the electorate. If they think that the person in question is such as will not rightly use the confidence that is reposed in him, they will not elect him and place him in that position. If they once accept him as their representative on the district board, I think they will accept and abide by the decision arrived at by the board of which he is a member. With these words, I give my whole-hearted support to the amendments which are before the Council.

Saiyid Al-i-Nabi: I do not realize what is the difficulty in the way of accepting this motion. So far as the Council is aware two points have been put forward as against the acceptance of this motion. One is that it would not be fair, it would not be right, to leave out so many Maulvis and Pandits and give a right of vote to people who are less learned. Well, I put it to the Council in two words. Is it fair, is it right that while we are unable to gauge the depth of learning of some people, or the extent of their knowledge, we should leave out any number of people with whose learning we have a fair acquaintance, and we have means to know the extent of their knowledge by virtue of the diplomas and certificates that they hold? Would it be right: would it be a correct position? Then the second point that has been taken against the acceptance of this motion is this, that it is not right that a person who has no property should be in a position to tax other people who have property. Well, Sir, this is correct so far as it goes, but the question is whether this has been, as a matter of principle, followed in this country so far. Will it be followed by this country in the near future? I think the answer to this question can only be in the negative. There are many members in this Council who hold no property and yet are taxing other people. There are many members of local bodies today who hold little or no property themselves but tax other people, and they are the people who are called educated, who know something about their responsibilities to their neighbours and countrymen, which they exercise to the best interests of the country. They are respected by the people who sit round them and behind them, and who assist them in coming to conclusions with respect to the taxes on circumstances or taxes of an allied nature.

I, therefore, say that I do not really understand, when we have laid down in the Bill a certain tax on education, why we should fight shy of other languages, particularly the languages of the country. Why should we not include those languages, and have a language only which does not impart much to the knowledge of man so far as the Matriculation examination is concerned.

Thakur Hanuman Singh: All those honourable members who have spoken in support of my motion have said much of what I had to say, so I shall be brief. The Hon'ble Minister has been pleased to say that if my motion is accepted by this House then there will be great inequality, for many who are more learned than those who have passed the Vernacular Final examination will not have a vote; while these vernacular final passed men will get a vote. I say let all those who can have it, have it, something is better than nothing. He has also said that it would not be fair to give power to those who have no property to tax those who have property. In the first place, if those who have no property are elected to be members of the board, they will be guided by the law and rules, and will not have arbitrary powers to tax in any way they choose, and in the second place they will have their colleagues having property on the Board. Will they not be checked by those whose property will be taxed, and can any one member or any section of this House in minority pass a law for taxation? Certainly not, until the majority of the House agrees. So want of property will be no argument against my motion. I think that when educated men will enter the district boards as members they will do better work and will try to accelerate the progress of the masses and people living in the rural areas. Those who cannot see how the world goes, what progress means and how it can if achieved, and how to ameliorate the condition of the rural population, cannot be expected to work the district boards in a way in which they ought to be worked.

The Hon'ble Pandit Jagat Narayan: I have heard the speeches of my honourable friends, and I am sorry to say that not one of them has attempted to answer my arguments. I understand the general proposition that educated men can manage affairs better than those who are illiterate; but is it contended that the whole of education will be centred in those few individuals who, so far as the District Boards are concerned, are not paying even Rs. 50 as rent or are not earning even Rs. 10 or 15 per month? If that is the proposition, then surely I am in the wrong. The whole argument is based on the assumption that amongst the lakhs upon lakhs of men who will get votes under the provisions of the Bill, none will be educated and the whole of education will be confined to those few who do not earn even Rs. 15 per month, but are matriculates or S.L.Cs.

The first question is what should be the basis of taxation? I do maintain, in spite of my honourable friend Saiyid Al-i-Nabi's statement, that the basis of franchise should be the payment of rent or revenue or the payment of taxes. Again I would point out that those who come before the Council and say that this rule should be departed from, should put forward good grounds to justify a departure from this rule. It has been said that education should be encouraged. Very well, let education be encouraged. In the Municipalities Act it is put down that the votes should be given to Bachelors, and under the District Boards Bill you give the votes to matriculates and S.L.Cs. Now it is

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urged that we should go on extending the concession. My friend asks where is the harm? All along yesterday and the day before we have been going on using this argument. Is it necessary that if once a concession is given, then that should be the basis for a further concession at every step? Supposing, if, in order to satisfy a demand, a concession was given which was not consonant with the principle on which the giving of franchise is based, that matriculates and S.L.Cs, or men who have passed the B.A. examination were given franchise, then is it logical on that ground that you should go on giving further concessions? I have admitted that the argument is logical, but at the same time I say :- Carry this argument to the farthest limit; why not make literacy the qualification? If the honourable members of this Council think that so far as district boards are concerned, literacy should be the test, I have no objection; because then of course I can understand the logic that it is desired to encourage primary education. I cannot understand, however, the logic that because a concession was wrongly made, that it should be used as an argument for more concessions.

I admit what my friend Pandit Nanak Chand has said. When I referred to cycles and ekkas, I was referring to municipalities. In a municipal area a man who lives in a house paying Rs. 3 rent or under (in many municipalities the qualification is paying Re. 1-8 or Rs. 2) or a man who pays any municipal tax, or a cycle-holder, ekka-wala or cart-driver, all these people are voters. Then there are further qualifications. My submission is, is the intelligence, is the education, is the brain of the Indian nation, confined to those persons who do not live in a house paying Rs. 2 as rent or who do not contribute a single pie toward the municipal funds? I say that all the educated men, all those who have got brains, all those who are competent to guide, will come in under one or the other of the classes prescribing the qualifications of electors. Had it been the case that the qualifications prescribed were so high as to really debar educated and literate men, I would have at once accepted the proposition. I quite see the force of the argument; I say that it is for the educated classes to manage affairs, but the question is whether any appreciable number of the educated classes will be debarred by the franchise which is to be given under the Bill? I say, no. Further, I say that we do not make laws and rules in order to provide for exceptions or for individuals.

The motion standing in the name of Thakur Hanuman Singh, i.e., to insert the words "or vernacular final" between the word "certificate" and the word "examination" in clause 8 (2) (*d*), was put, and the Council divided as below :—

Ayes (29).

Raja Shankar Sahai,
Pandit Nanak Chand
Babu Chhail Bihari Kapur,
Rai Bahadur Kunwar Dillipat Shah,
Mr. Ajodhya Das.
Mahant Parmanand Gir,
Mr. Shakir Ali,

Noes (43).

Pandit Soti Vishnu Swarup,
Khan Bahadur Shaikh Muhammad Yusuf,
Lt. Kunwar Jamshed Ali Khan.
Mr. Zafar Husain,
Babu Gendan Lal,
Thakur Jagannath Bakhsh Singh,

Ayes (29).

Khan Sahib Hakim Nawab Ali Khan,
Rai Mashal Singh Bahadur,
Munshi Ata-at-mand Khan Mujibee,
Saiyid Al-i-Nabi,
Rai Indra Narayan,
Pandit Gokaran Nath Misra,
Pandit Brijnandan Prasad Misra,
Rai Jodh Singh B. Negi Bahadur,
Sardar Birpal Singh,
Major Kunwar Shamsher Bahadur Singh,
Thakur Parsidh Narayan Singh,
Thakur Hanuman Singh,
Mr. H. David,
Raja Sir Saiyid Abu Jafar,
Muhammad Fazl-ur-Rahman Khan,
Pandit Balbhadra Prasad Tiwari,
Lala Shadi Ram,
Babu Shankar Dayal,
Chaudhri Mukhtar Singh,
Rai Gopal Das Sharma Sahib.
Thakur Manak Singh,
Pandit Baijnath Misra.

Noes (43).

Mirza Muhammad Sajjad Ali Khan,
Rai Kunwar Parmanand Bahadur,
Major D. R. Ranjit Singh,
Khan Bahadur Sardar Rahimdad Khan,
Lt. Nawab Muhammad Ahmad Sa'id Khan,
Rao Sheo Dhyan Singh Sahib,
Chaudhri Sardar Singh,
Khan Bahadur Kunwar Inayat Ali Khan,
Munshi Muhammad Zahur-ud-din Khan,
Khan Bahadur Chaudhri Amir Hasan Khan,
Rai Man Singh Bahadur,
Thakur Nawab Ali Khan,
Mr. Jafer Hosain,
Babu Gur Sahai,
Rai Daya Shankar Sahib,
Lt. Rai Bahadur Kunwar Nand Lal,
Chaudhri Sher Singh,
Pandit Govind Sahai Sharma,
Khan Bahadur Mr. Muhammad Ismail,
Rai Sita Ram Sahib,
Mr. G. B. Lambert,
Lt.-Col. A. W. R. Cochrane,
Mr. H.deL. Ross.
Mr. F. F. R. Channer,
The Hon'ble Mr. C. Y. Chintamani.
The Hon'ble Pandit Jagat Narayan.
Mr. L. S. White,
Kunwar Jagdish Prasad,
Mr. C. M. King,
Mr. G. B. F. Muir,
Mr. A. W. Pim.
Mr. F. F. Sladen,
Mr. A. B. Reid,
Mr. A. H. Mackenzie,
Mr. S. H. Fremantle,
Mr. A. C. Varrières,
Mr. H. M. Leake.

The amendment was therefore negatived.

Chaudhri Mukhtar Singh's motion, namely, to add at the end of clause 8(2) (*d*) the words—"or any examination of proficiency in Indian vernaculars or classical languages recognized by any of the Indian

universities or recognized by the Local Government as equivalent thereto"—was put, and the Council divided as below :—

Ayes (35).	*Noes* (32).
Thakur Parsidh Narayan Singh.	Lt. Kunwar Jamshed Ali Khan,
Rai Bahadur Raja Ragho Prasad Narayan Singh,	Khan Bahadur Kunwar Inayat Ali Khan,
Munshi Muhammad Fazl-ur-Rahman Khan,	Khan Bahadur Chaudhri Amir Hasan Khan,
Raja Shankar Sahai,	Rai Daya Shankar Sahib,
Pandit Balbhadra Prasad Tiwari,	Lt. Rai Bahadur Kunwar Nand Lal,
Chaudhri Sardar Singh,	Chaudhri Sher Singh,
Chaudhri Mukhtar Singh,	Rai Kunwar Parmanand Bahadur,
Pandit Soti Vishnu Swarup,	Thakur Jagannath Bakhsh Singh,
Rai Gopal Das Sharma Sahib,	Major D. R. Ranjit Singh,
Pandit Brijnandan Prasad Misra,	Rai Man Singh Bahadur,
Pandit Nanak Chand,	Mr. Jafer Hosain,
Babu Chhail Bihari Kapur,	Mr. G. B. Lambert,
Rai Indra Narayan,	Lt. Col. A. W. R. Cochrane,
Rai Mashal Singh Bahadur,	Mr. L. S. White,
Rai Jodh Singh B. Negi Bahadur,	Mr. H de L. Ross,
Babu Shankar Dayal,	Mr. F. F. R. Channer,
Major Kunwar Shamsher Bahadur Singh,	Khan Bahadur Mr. Muhammad Ismail.
Sardar Birpal Singh,	Pandit Govind Sahai Sharma,
Thakur Hanuman Singh,	Mirza Muhammad Sajjad Ali Khan,
Rai Rajeshwar Bali,	The Hon'ble Mr. C. Y. Chintamani,
Rai Bahadur Kunwar Dillipat Shah,	The Hon'ble Pandit Jagat Narayan,
Lala Shadi Ram,	Kunwar Jagdish Prasad,
Pandit Gokaran Nath Misra,	Khan Bahadur Sardar Rahimdad Khan.
Mr. Ajodhya Das,	Mr. H. M. Leake,
Babu Gendan Lal,	Mr. S. H. Fremantle,
Mr. Shakir Ali,	Mr. C. M. King,
Mr. Zafar Husain,	Mr. G. B. F. Muir,
Raja Sir Saiyid Abu Jafar,	Mr. A. B. Reid,
Munshi Ata-at Maud Khan Mujibee,	Mr. A. W. Pim,
Rai Vikramajit Singh Bahadur,	Mr. F. F. Sladen,
Pandit Hirday Nath Kunzru,	Mr. A. H. Mackenzie,
Khan Bahadur Shaikh Saiyid Muhammad.	Mr. A. C. Verrières.
Khan Bahadur Muhammad Zahur-ud-din,	
Khan Sahib Hakim Nawab Ali Khan,	
Saiyid Al-i-Nabi.	

The amendment was therefore adopted.

The Council re-assembled after lunch at 2·45 p.m. with the Hon'ble the President in the Chair.

The motion that sub-clause (*e*) of clause 8 (2) as amended do stand part of the Bill was put and the Council divided as below :—

Ayes (47).	*Noes* (14).
Mr. Shakir Ali,	Rai Kunwar Parmanand Bahadur,
Pandit Soti Vishnu Swarup,	Kunwar Jagdish Prasad,
Lt. Shaikh Shahid Husain,	Lt.-Col. A. W. R. Cochrane,

Ayes (47).

Lala Shadi Ram,
Babu Chhail Bihari Kapur,
Rai Rajeshwar Bali,
Pandit Nanak Chand,
Rai Indra Narayan,
Thakur Hanuman Singh,
Rai Jodh Singh B. Negi Bahadur,
Thakur Parsidh Narayan Singh,
Babu Gendan Lal,
Babu Shankar Dayal,
Major Kunwar Shamsher Bahadur Singh,
Sardar Birpal Singh,
Rai Mashal Singh Bahadur,
Munshi Ata-at-mand Khan Mujibee,
Major D. R. Ranjit Singh,
Mr. Zafar Husain,
Rai Sheo Charan Lal Sahib,
Chaudhri Sher Singh,
Pandit Iqbal Narayan Gurtu,
Thakur Manak Singh,
Pandit Govind Sahai Sharma,
Chaudhri Mukhtar Singh,
Rai Vikramajit Singh Bahadur,
Pandit Brijnandan Prasad Misra,
Khan Bahadur Kunwar Inayat Ali Khan,
Khan Bahadur Mr. Muhammad Ismail,
Mr. Ajodhya Das,
Rai Sita Ram Sahib,
Mahant Parmanand Gir,
Rai Man Singh Bahadur,
Pandit Hirday Nath Kunzru,
Mr. Jafer Hosain,
Thakur Nawab Ali Khan,
Khan Bahadur Chaudhri Amir Hasan Khan,
Khan Bahadur Shaikh Muhammad Yusuf,
Saiyid Al-i-Nabi,
Khan Bahadur Shaikh Saiyid Muhammad,
Rai Gopal Das Sharma Sahib,
Munshi Muhammad Fazl-ur Rahman,
Khan Bahadur Sardar Rahimdad Khan,
Rai Bahadur Kunwar Dillipat Shah,
Pandit Balbhadra Prasad Tiwari,
Mr. H. David,
Rai Bahadur Raja Ragho Prasad Narayan Singh,

The motion was therefore adopted.

Noes (14).

Mr. A. B. Reid,
Mr. A. W. Pim,
Mr. F. F. Sladen,
Mr. S. H. Fremantle,
Mr. L. S. White,
Mr. G. B. Lambert,
Mr. H. de L. Ross,
Mr. F. F. R. Channer,
Mr. C. M. King,
Mr. G. B. F. Muir,
Mr. A. C. Verrières,

Babu Shankar Dayal: My amendment runs thus:—In the explanation omit the comma after the word "cultivation" and insert the words "shall be Rs. 50 or more per annum."

The Hon'ble the President: Will the honourable member explain what his motion is?

Babu Shankar Dayal: The motion is that in the Explanation omit the comma after the word "cultivation" and insert the words "shall be Rs. 50 or more per annum."

The Hon'ble the President: I cannot follow exactly what the meaning of that is.

Babu Shankar Dayal: I will explain it hereafter.

The Hon'ble the President: I cannot understand the grammar of it.

Babu Shankar Dayal: I think the language of the explanation is not clear; hence I want that it should be made so.

The Hon'ble the President: The honourable member's amendment seems to make it less clear still. The motion does not read as English as it is. I do not understand it. I cannot put it to the Council unless it makes sense. The motion runs as follows which makes no meaning at all:—

> "For the purpose of this section persons holding agricultural or grove land.....be deemed to be tenants liable to pay as rent the estimated rental value of the land held by them if let to a non-occupancy tenant for cultivation *shall be Rs.* 50 *or more per annum.*" What *shall be* Rs. 50 per annum?

Babu Shankar Dayal: I admit, Sir, that English is not my mother-tongue: I am an Indian, every inch, but I think the explanation is without a verb. If you permit me, I will explain, Sir.

The Hon'ble the President: Will the honourable member amend his own wording?

The Hon'ble Pandit Jagat Narayan: The honourable member says that "deemed to be" is not a verb and the explanation requires a verb.

The Hon'ble the President: My point is, I cannot put the amendment unless it has some meaning. Whether the meaning is accepted by the Council or not is another matter. It must have some meaning.

Babu Shankar Dayal: I will explain, Sir. The explanation will read:—For the purpose of this section.....rental value of the land held by them if let to a non-occupancy tenant for cultivation *shall be* Rs. 50, etc. I think after "cultivation" there should be some verb. Without that it is meaningless.

The Hon'ble the President: I think the honourable member must be under some misapprehension as to the meaning of certain words. I cannot make any sense out of it.

Babu Shankar Dayal: Very well, Sir. If my amendment is nonsense the explanation is without sense. The preparation of these rent rolls will be entrusted to villagers like myself.

The Hon'ble the President: The amendment is not moved.

The motion that the explanation to clause 8 stand part was put and adopted.

The motion that clause 8 as amended do stand part of the Bill was put and adopted.

CLAUSE 9.

Mr. G. B. F. Muir: I move the insertion of the words "or to remain" after the words "entitled to be" in clause 9 of the Bill. The clause will now read :

"A person, notwithstanding that he is otherwise qualified, shall not be entitled to be or to remain enrolled as an elector," etc.

This is really a formal amendment. It is obvious that if a person is to be disqualified on any ground from being enrolled he should also be disqualified on the same ground after his enrolment. The clause as it at present stands is susceptible to the interpretation that the disqualifications mentioned in this section apply only to a man before he is enrolled on the roll but do not apply to him once he has got his name down in the list. That would obviously be illogical and is not intended. In order to remove the possibility of misinterpretation the insertion of the words "or to remain" is moved.

Rai Vikramajit Singh Bahadur: I think the words that have been just suggested, i.e., the words "or to remain" if they are to come should come after the word "enrolled." Otherwise, it will be bad grammar. That will carry no meaning.

The objection was withdrawn on an explanation being given by Mr. Muir.

The amendment was put and adopted.

Chaudhri Mukhtar Singh: I beg to withdraw the first part of my motion.

I beg to move that after the words "good behaviour under" the words and figures "sections 109 and 110 of" be added.

There are three sections, namely, sections 108, 109, and 110, under which a man is bound down for good behaviour. Section 108 runs thus :—

"Whenever a Chief Presidency or District Magistrate, or a Presidency Magistrate or Magistrate of the first class specially empowered by the Local Government in this behalf, has information that there is within the limits of his jurisdiction any person who, within or without such limits, either orally or in writing, disseminates or attempts to disseminate, or in anywise abets the dissemination of—

(*a*) any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of the Indian Penal Code, or

(*b*) any matter the publication of which is punishable under section 153A of the Indian Penal Code, or

(*c*) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Indian Penal Code,

[Chaudhri Mukhtar Singh.]

such Magistrate may (in manner hereinafter provided) require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix."

In all these three cases the person is bound down. Section 109 speaks of vagrants and suspected persons and section 110 speaks of habitual offenders. Section 109 reads as follows:—

"Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class receives information—

(*a*) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing any offence, or

(*b*) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix."

Section 110 is as follows:—

"Whenever a Presidency Magistrate, District Magistrate, or Sub-divisional Magistrate or a Magistrate of the first class specially empowered in this behalf by the Local Government receives information that any person within the local limits of his jurisdiction—

(*a*) is by habit a robber, house-breaker or thief, or

(*b*) is by habit a receiver of stolen property knowing the same to have been stolen, or

(*c*) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or

(*d*) habitually admits mischief, extortion or cheating or counterfeiting coin, currency notes or stamps, or attempts so to do, or

(*e*) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace, or

(*f*) is so desperate and dangerous as to render his being at large without security hazardous to the community, such Magistrate may, in manner hereafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit to fix."

All these three sections are a sort of preventive measures. We have seen in a good many cases that an abuse is made of both these sections. Though it more or less depends solely on the good-will of a district magistrate or a superintendent of police to run a man down under both these sections, yet sections 109 and 110 presume that there is a sort of moral turpitude in the man who is bound down under any of these two sections. This is not the case with section 108. The words "under the Indian Penal Code" were not in the old Bill, but they were added by the Select Committee. Referring to the Select Committee's report we find that these words "under the Indian Penal Code" were added simply for the purpose of not debarring those persons who have not been convicted under the ordinary law but have been punished under the extraordinary law of the country such as the Criminal Law Amendment Act or other Acts of a like nature. The Select Committee considered it fit not to debar such persons; but the very same thing will happen if my amendment is not accepted, because the clause as it stands will debar every person bound down under section 108 of the Criminal Procedure Code. So my amendment is that all those persons who have been bound down under section 108 should not be debarred from being electors or candidates. My chief argument is that practically speaking all these three sections do not find a man to be guilty of any offence; they rather try to prevent a person from doing something wrong to society. More or less these sections are a sort of executive measures rather than of a judicial nature. We have seen in so many judgments of the Hon'ble High Court that persons are run in under these sections on account of an idea in the mind of the superintendent of police or the district magistrate against them. In these days when people differ in their ideas, I submit that it will be very dangerous if we allow those persons who have been bound down under section 108 to be debarred. Recently we have seen that a good many persons have been bound down under section 108 and all these persons will be debarred if my amendment is not accepted. There is another reason. The law does not disqualify under these sections those persons for ever, while this clause in the Bill will debar them for ever from being electors or candidates. When the law itself does not punish them for ever, why should we debar them for their honest convictions? We also know that there are different interpretations put on the word "disaffection." Disaffection means want of affection. There are so many different judgments of the Hon'ble High Courts that a person can be convicted under these sections on very very flimsy grounds. He may be a very good person who may render very valuable service to society, still he will be debarred under this Bill from being an elector or a candidate. The clause ought therefore to be made clearer and both these sections (109 and 110) should be added.

With these few words I beg to commend my amendment to the Council.

Pandit Brijnandan Prasad Misra: With your permission, Sir, I want to move for the deletion of the entire sub-clause (*e*).

The Hon'ble the President: I will give the honourable member an opportunity later of moving for the complete omission of sub-clause (*e*). I will put the clause separately after these amendments are dealt with.

Rai Vikramajit Singh Bahadur: I wish to say a few words in support of the amendment which has just been moved by my honourable friend, Chaudhri Mukhtar Singh. If these words had really meant that the person will not be entitled to be put on the electoral roll during the period for which he is bound down, I might not have supported the amendment, but considering that this disqualification will remain for ever, viz, that if a man is bound down once he will not be entitled to be brought on the electoral roll at any time, I think that the amendment ought to be supported. Section 108 will generally cover those cases where either an editor or an author of a pamphlet or a writing has by means of the writing disseminated matter which is treated as seditious either under section 124A or section 153A. As the honourable mover has said, sometimes the interpretations differ and everything depends on the view a magistrate may take of any particular newspaper writing or leaflet. The magistrate does not exercise the same care in trying cases under section 108, Criminal Procedure Code, as he would have done if the prosecution was under section 124A or 153A, but as it is merely a preventive section he treats it very lightly and sometimes takes a general view of a writing. Consequently I think, Sir, that the amendment ought to be accepted so that people who are otherwise of good character but who merely on account of certain writings in the papers or leaflets have been considered to come under this section may not be debarred from being put on the electoral rolls or from being returned as members to district boards.

Saiyid Al-i-Nabi: We are obliged to the honourable mover for the idea he has given us of sections 108, 109 and 110 of the Criminal Procedure Code and we find after hearing the contents of section 108 that it deals with political offenders; sections 109 and 110 deal with people who are more or less habitual offenders.

Now I find in the report of the Select Committee these words about clause 9:—

> "The disqualification imposed by sub-clause (*e*) of clause (9) as introduced appears to us too sweeping, particularly in regard to political offenders, and we have re-drafted this clause so as to disqualify only those persons who are sentenced under the ordinary law or whose offence is characterized by moral turpitude."

These are the words.

Now the authors of the Bill themselves were of opinion that this clause should not deal with the cases of political offenders, and that has been their policy in drafting it. This being so, it is necessary that section 109 and section 110 of the Criminal Procedure Code should be specifically mentioned in the clause. It is very necessary in framing an Act that the words should be as clear as they can be made, so that there may not be any apprehension, so that there may be no wrong interpretation. It would, therefore, be much better if the words "sections 109 and 110 of" as proposed by the honourable mover be inserted in this clause.

Babu Gendan Lal: I support the amendment moved by my friend, Chaudhri Mukhtar Singh. As I read section 108 it makes a person liable to be bound down for a very simple offence. A person can be bound down even if he commits a simple offence of defamation, for which simple imprisonment or fine is the punishment. If this clause as it at present

exists remains on the Statue Book, then these offenders will be disqualified from giving a vote to their representatives. I submit that sections 109 and 110 be inserted, so that section 108 may be excluded from the operation of the disqualification created by this clause.

Pandit Gokaran Nath Misra: I rise to support the motion which is at present before the House, and there is one point which I wish to bring to the notice of the honourable members of this House which, I think, will make the ground for supporting this motion a very strong one. Under section 108 it is provided that a person may be asked to give security for good behaviour in certain instances, and those instances, as pointed out by the honourable mover of this motion, are where he disseminates any seditious matter or otherwise abets the dissemination of that matter or publishes a matter for which he can be convicted under section 124A of the Indian Penal Code. Now supposing that a man is tried for that offence and is given a sentence of three months' then in that case he will not be disqualified under sub-clause (*e*), because his sentence has not been for a term exceeding six months. But if a case has not been instituted against him and he has not been convicted, but instead he has merely been asked to give security for good behaviour, he is permanently disqualified. The position is this that in the case of a man who has actually been convicted of an offence and has been sentenced for less than six months the disqualification does not exist; but in the case of a man who has not been convicted and has never had any chance of giving his defence, but has merely been asked to give security for good behaviour, there is a permanent disqualification. I think therefore that it is absolutely necessary that section 108 ought to be entirely excluded from the provisions of the present section. The present section should only be confined to sections 119 and 110. I hope that the honourable members of this House will support the motion which has now been moved by Chaudhri Mukhtar Singh.

Mr. Muhammad Fazl-ur-Rahman Khan: I rise to say a few words in support of the motion that has just been so ably moved by my friend Chaudhri Mukhtar Singh. I am really surprised to find that the motion has not yet been accepted by the Hon'ble Minister. The motion is a very reasonable one. It ought to have been readily accepted and no speeches were necessary in support of it; but unfortunately there have been speeches and so I am also making one. The question is very clear. There is some principle on which people are debarred from giving votes. We have to see what is that principle. The principle is that those persons who are convicted of offences which show moral turpitude should not be allowed to send their representatives to any governing body. We have to see whether a man who is bound down under section 108 of the Code of Criminal Procedure is guilty of an offence that shows moral turpitude. If this question is answered in the affirmative, certainly that man ought to be debarred from sending his representative to any local body. If this question is answered in the negative, he is certainly not debarred and he ought not to be debarred. The section has just been read out by the honourable mover. People are convicted under this section on political grounds. I have found that men who bear an excellent character are sometimes bound down under this section on administrative grounds. There is therefore no justification for debarring those people who are bound down under this section. For this reason I support the motion and I hope that the Council will accept it.

Chaudhri Mukhtar Singh: As there is no opposition there is no need to reply.

The amendment was put and adopted.

Pandit Brijnandan Prasad Misra: I desire to move that the entire sub-section (*e* should be deleted. The fate, which the last amendment has had has given me a certain amount of encouragement, but I have still misgivings of my own, which I have not been able to overcome. I ask the honourable members to root out prejudices from their minds, without which the acceptance of my motion by them is, I am afraid, not possible. Everything to which the name "revolutionary" can be given is always discarded by this House, and it is possible that my motion may also be considered to be revolutionary in character; but I think that in view of the fact that the moving of an amendment of a revolutionary character is not an offence punishable under law and can by no means debar a person from coming on the electoral roll, I can move my amendment with impunity.

The first thing to bear in mind is that if this sub-section is passed, we will be giving our assent to a law which is absolutely against the principles of jurisprudence. An important principle of jurisprudence is that no person should be punished twice for the same offence. Now, let us see how this section really works. It means to debar persons for the whole of their lives, who have once been convicted by courts of law in British India for certain offences. Such persons have already been punished for the offence which they had committed. When you debar them again for the same offence, it really means that you are going to punish them a second time. Honourable members will notice that sub-section (*e*) provides that these persons shall be debarred permanently from being placed on the electoral rolls. This is a very wide clause. The Indian Penal Code, to which it refers, consists of about 500 sections, and any person who has been convicted for six months or more would thus be debarred permanently. The offence under this Act need not be of a character which is declared by the Local Government as implying such moral turpitude as to disqualify him from being elected. A mere conviction for whatsoever offence under the Indian Penal Code shall thus permanently debar persons without any declaration by the Local Government as regards moral turpitude.

The sub-section under discussion further debars persons who have been sentenced to transportation for life. There is further a provision in that sub-section, which debars persons from coming into the electoral rolls if they have been convicted under any of the special laws. Furthermore, this sub-section will effect a class of those persons who have been bound down under sections 109 and 110, Criminal Procedure Code. My submission in this connection is that the sub-section, as it is, ought not to be allowed to pass. Honourable members of this House are aware that under the sections of various laws a number of Magistrates have proceeded against the non-co-operators, who, simply because they did not put in a defence, had to go to jail bearing the stigma of these convictions which preclude them from getting a place on the electoral roll in spite of the fact that most of them—if not all—are innocent men and might not have been convicted if they had not refrained from producing a defence. I may be considered to be an impudent man to come before the House with a proposal for the deletion of the entire sub-section, but I am sure that the grounds which I am going to put before

honourable members of this Council will appeal to their hearts. As I have already stated, if this section is allowed to pass it will disqualify persons permanently It is just possible that the persons who have been once convicted might make amends in their character. It may perhaps be said that, if the entire section is deleted, murderers, robbers and dacoits will be entitled to vote and will stand for election, but I submit that such persons who have been convicted of even those offences should have a chance in life to make amends in their character, and when they have done so there is absolutely no reason why they should be disqualified permanently. When there is a clear provision in section 25 which debars such persons for five years there is absolutely no justification for debarring them for the whole of their life. Sinners of the worst type have come to repentance and changed their manner of life. If, however, in the course of five years they do not correct themselves and persist in their bad practices, you will still have another chance of disqualifying them for another five years after each conviction and in this manner they will never be able to stand for election on account of the unending repetition of section 25 of the Act. In these circumstances I submit that it would be very unfair, on the part of the Legislature, to debar them permanently from their civil right of voting, for an offence for which they have been more than adequately punished.

It may be urged from the other side that if bad offenders were to go into the boards it would be a very bad thing. I don't deny that. But, at the same time, it should be borne in mind that by the sheer force of their existence in the world they will not be able to go into the boards unless they persuade the majority of their voters, who realize their sense of responsibility in the matter, to elect them. If the electorate considers that its interests will be best served by electing such people to the boards, why should you fetter their right in this way ? If their entrance into the boards were merely to depend on the candidate's own wishes the position would no doubt be a dangerous one, but knowing that the Indian society is altogether foreign to such murderers and offenders of the worst type, there is absolutely no reason to suppose that such people will at all be returned to the district boards. When you have left the choice entirely in the hands and at the discretion of the electors, there is no reason why you should fetter that discretion and should not grant this concession in the same way as the Government has granted a wide discretion to magistrates in respect to the granting or refusing of the licences of guns, etc. The Council would have a very bad estimate of the Indian society if it thinks that the whole community is so demoralized that it would not elect anybody else except these offenders. And if society is really bad, where is the remedy? When you are giving the right of election in the hands of these demoralized persons how can you prevent demoralized persons from coming into the boards; if the whole community is demoralized and demoralized men come into the board, you need not try to make any effort to stop their coming into the boards.

Another thing which I want to bring before the House is that the eagerness of the Government to stop the convicts from coming into the boards is not so much on account of the offences which they have committed as to debar those persons whose political opinions differ from those of the Government. In matters of political convictions especially, I think I can say without fear of contradiction that if

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the opinion of the Indian community and of Indian society be taken almost every judgment in respect to political offences would be considered to be wrong, and if this is so, then there is no justification why these persons should be debarred from coming into the boards. If the persons who have been convicted of political offences are persons in whom the people repose greater confidence, I see no reason why the Government should interfere in the free choice of the electorate. It should be left entirely to the electorate to find out the persons who should represent them, instead of misrepresenting them as most of the persons are doing in different bodies at present.

Another consideration which ought to be borne in mind is that at the end of this sub-clause (*e*); is a clause which would clearly bring the whole thing afresh to the minds of the honourable members of this House and by which they would be able to find out what is really at the back of the mind of the Government. All these convictions and punishments have been considered to be a sort of disqualification, but at the end it has been provided as follows:—''Provided that a disqualification under clause (*e*) may be removed by an order of the Local Government in this behalf.' Does it not really seem paradoxical? If this sub-section were not here every offender who may have been convicted to over six months imprisonment or to transportation or who may have been bound down or required to furnish security would have been disqualified from voting. But the Government, if it grants a certificate, would make him qualified; that is to say a certificate from Government would wash away all the effect of crimes and sins of the offender. I think I need not say that it would be very easily understood that a certificate of this sort would be given to sycophants and flatterers who would be dancing attendance on the Government, in spite of their misdeeds and wretched and accursed doings. Now, if a certificate of the Government can wash away all the effects of a crime, there is no reason why the electorate themselves should not be able to judge among themselves as to which of the offenders was punished justly and is a person who should be turned out and should not be elected for the purpose of representation. To my mind the whole thing as it stands seems to be a sort of absurdity in itself. If the representatives are to come from the electorate and on behalf of the electorate and not on behalf of the Government, and if a certificate from the Government would make them fit persons, I do not see why a certificate of the entire community, or the majority of the community should not wash off all the effects of their crime. I think we can very safely trust the community itself and the sense of responsibility of the electors to elect only such persons who have not been convicted of grave offences. Here the persons, I think, are being disqualified more or less on the judgment of the court. The courts themselves are not eye-witnesses of those crimes; they punish these persons on the evidence which comes before them—often concocted, often meagre and often of a nature which would not be relied upon by outside people. As regards the reality of these offences, I say, society would be the best judge. They are the persons most intimately in the know and best fitted to know and to form opinions as to the guilt or innocence of a person.

I think the matter can be left safely in their hands, and for this reason I oppose the whole of sub-section (*e*) and hope that the House will support my motion.

The Hon'ble Pandit Jagat Narayan: I strongly oppose the motion that has been made by Pandit Brij Nandan Prasad Misra. I will not follow him in expressing my dissent in abusing those who hold the views which he holds. It appears to me that his argument is based on the assumption that all the judges are wrong and corrupt; the magistrates are wrong and corrupt; all the witnesses that are produced are false witnesses; the Government, that is, the Ministers who will have to decide this question, will be corrupt and will have no sense of responsibility because they will listen only to those who dance attendance upon them and will not discharge their duties properly. It appears to me that the whole of his argument was that the man who is convicted is an innocent victim and the whole world is in the wrong. I may inform my friend that when we frame the law we assume that the person who is convicted has been rightly convicted. It is quite possible that there may be wrong convictions, it is quite possible that the magistrate or the sessions judge may have erred, but when the law is made the law assumes that the man has been rightly convicted.

One portion of his argument destroys the other. In the first place, he said "why you debar such a man for life? It is possible that after a few months or a few years or after some time he may improve." For that very reason this proviso has been introduced. If after conviction it is found that the man is capable of improving or has improved then the disqualification can be removed.

Another argument he used is "leave everything to the people." If that be so, I do not know why my honourable friend did not move that clauses (*a*), (*b*), (*c*) and (*d*) should be deleted. A man who is an undischarged insolvent is certainly in a far better position than one who is convicted of theft, adultery, rape or murder. Similarly, supposing a man has attained the age of 21 years, if the argument of my friend is sound, why not leave it to the people, they are the best judges? If they have confidence in a man who is 15 years of age, it is not the business of the Government or the Legislature to say that the man should not be elected. Similarly, if a man is of an unsound mind, what does it matter? After all he cannot be returned to the Municipality or District Board without having a majority of votes and if the people are so foolish as to elect him, let him be elected: the Legislature is not to interfere. Therefore the whole argument from beginning to end is that the people are to judge for themselves and that no legislation is necessary.

Another thing I wish to say is, that the conviction clause introduced by the Select Committee is necessary. I think the majority of honourable members will agree with me that if any person is sentenced under the Indian Penal Code to a sentence of imprisonment for a term exceeding six months, that shows that he has committed a serious offence, not an ordinary offence; and there are cases of conviction under other laws which imply such moral turpitude as to unfit the convicted person from being an elector or a candidate. Take for instance, the case of a person who has been guilty of evading octroi dues—a shop keeper who habitually cheats the Municipality from paying octroi and is subsequently convicted for cheating under the Municipalities Act. Is there any reason why we should feel so very tender towards him? Is it fit and proper that he should be made a Municipal Commissioner. Take the case of a notorious

[The Hon'ble Pandit Jagat Narayan.]

gambler or of a man who smuggles cocaine, or of one who sells *chandu* or opium. The conviction of these persons will not be under the Penal Code. If convicted, their offence connotes a moral turpitude; therefore there seems to be no reason why they should not be debarred from voting.

My friend has said "no man should be convicted twice." He has omitted or lost sight of the words "for the same offence". Does he realize what his contention means? Suppose a person who is a candidate, commits forgery, is guilty of abetment of false personation, and offers bribe to voters and consequently his election is declared null and void: is there any reason why he should not be punished for forgery and abetment of false personation, etc? According to my friend he should not be punished twice over for this. If that theory be correct, then a candidate for election, if convicted under the Penal Code, should be allowed to retain his seat because he cannot be punished twice by declaring his election null and void. My friend may be right in saying that in certain cases recently convictions made under certain sections were not considered justified by the public. That may be so, but, as I have already submitted, the law is framed on the supposition and on the basis that the conviction was right, that the man was guilty and that the judgment of the court was correct and sound. For these reasons, Sir,—I will not labour the point any further—I will strongly oppose the opposition and would ask the honourable members of this Council not to support him.

Mr. Shakir Ali: I would ask my friend from Pilibhit to withdraw this motion, because I tell him plainly . . .

The Hon'ble the President: The motion before the Council is that this clause stand part.

Mr. Shakir Ali: I assure him through you, Sir, that we tried our best in the Select Committee and the Minister in charge who was our president, met us half way and all we felt we could reasonably do we did. A little oversight has been corrected this afternoon. I do not think this is the right time and right occasion to press this opposition. Therefore I request my honourable friend from Pilibhit to withdraw his opposition.

Pandit Hirday Nath Kunzru: Although the honourable member who has opposed the clause is one of those members of the House with whom I have happily generally to act, I find it necessary on the present occasion to dissent strongly from the opinions which he has expressed, and I feel impelled to speak on this occasion because I was a member of the Select Committee which considered every clause of the Bill. This Bill is not a production merely of the Government now. The entire Select Committee is responsible for it.

The speech of my honourable friend resolved itself merely into a general indictment of the judicial system of the country. There may be defects in the judicial system of the country. Injustice may be occasionally done in law courts and the country at large may be unable to respect their judgments in political cases as a rule. But is that any reason why we should impose no disqualification on criminals of any

kind whatsoever? I sympathize with the desire of the honourable member that political offenders should not be regarded as falling under the same category as ordinary criminals. But surely it must be patent to the House that the change which was made by the Select Committee and the acceptance of the amendment moved by my honourable friend Chaudhri Mukhtar Singh have made it reasonably possible for all political offenders to offer themselves as candidates for elections to district boards. It is perfectly true that Government still retain a certain amount of power in their hands. We unquestionably differ from Government on certain points; but is that any reason why we should give the go-by to all principles and, merely in order to remove all possible obstacles from the path of men who have deliberately chosen to break all laws, ignore all sound principles underlying administrative and constitutional actions? If the honourable member's argument is a sound one, I see no reason why we should have any franchise law at all. We have at present based our franchise on certain considerations relating either to education or to property. Why need we have any of these restrictions at all? Why not leave the entire matter to the inhabitants of the country? If we think that certain rules are required in that respect, it stands to reason that rules in regard to other matters which are far more important are required even more imperatively.

Take an illustration. Is it not in the interests of society that peace should be maintained, that there should be no theft or dacoity? Nevertheless Government maintains a police in order to protect the rights of its citizens. No one hitherto suggested that the matter should be left entirely to the people at large who will certainly deal with offenders and who will see that malefactors are not allowed to roam at large or to raise their heads in society.

Let us take another illustration which will be appreciated more by this House. My honourable friend said that there was absolutely, no reason why any limitation should be placed on the choice of electors, who should be presumed to know what their interests are. Yet there are many members of this House, and presumably my honourable friend is one of them, who ask that the district boards should be prevented by Statute from electing an official as their chairman. Are not the members of the district boards who are the representatives of the electors more qualified to judge what is best in the interests of the district boards than ordinary electors? If in these and other matters we think it right that Government should step in, that the law should be used in order to prevent certain classes of people from exercising certain rights, it is necessary, Sir, that this clause should stand.

Experience may reveal certain defects which may have to be modified in certain respects. But the principle embodied is sound. It imposes disqualification only on people who are enemies of society It practically places political offenders under no disadvantage. The Local Government may at times use their power to their disadvantage. But considering all the circumstances of the case, I am strongly of opinion that that disadvantage is nothing as compared with the disadvantage that will follow from the omission of this clause.

Pandit Govind Sahai Sharma Sahib: I apply for closure of the debate.

The motion that sub-clause (*e*) of clause 9 as amended, do stand part of the Bill was put and adopted.

The motion that clauuse 9 of the Bill do stand part of the Bill was put and adopted.

The Council was then adjourned to the following day.



PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

UNITED PROVINCES

THURSDAY, 9th NOVEMBER, 1922

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OFFICIAL REPORT

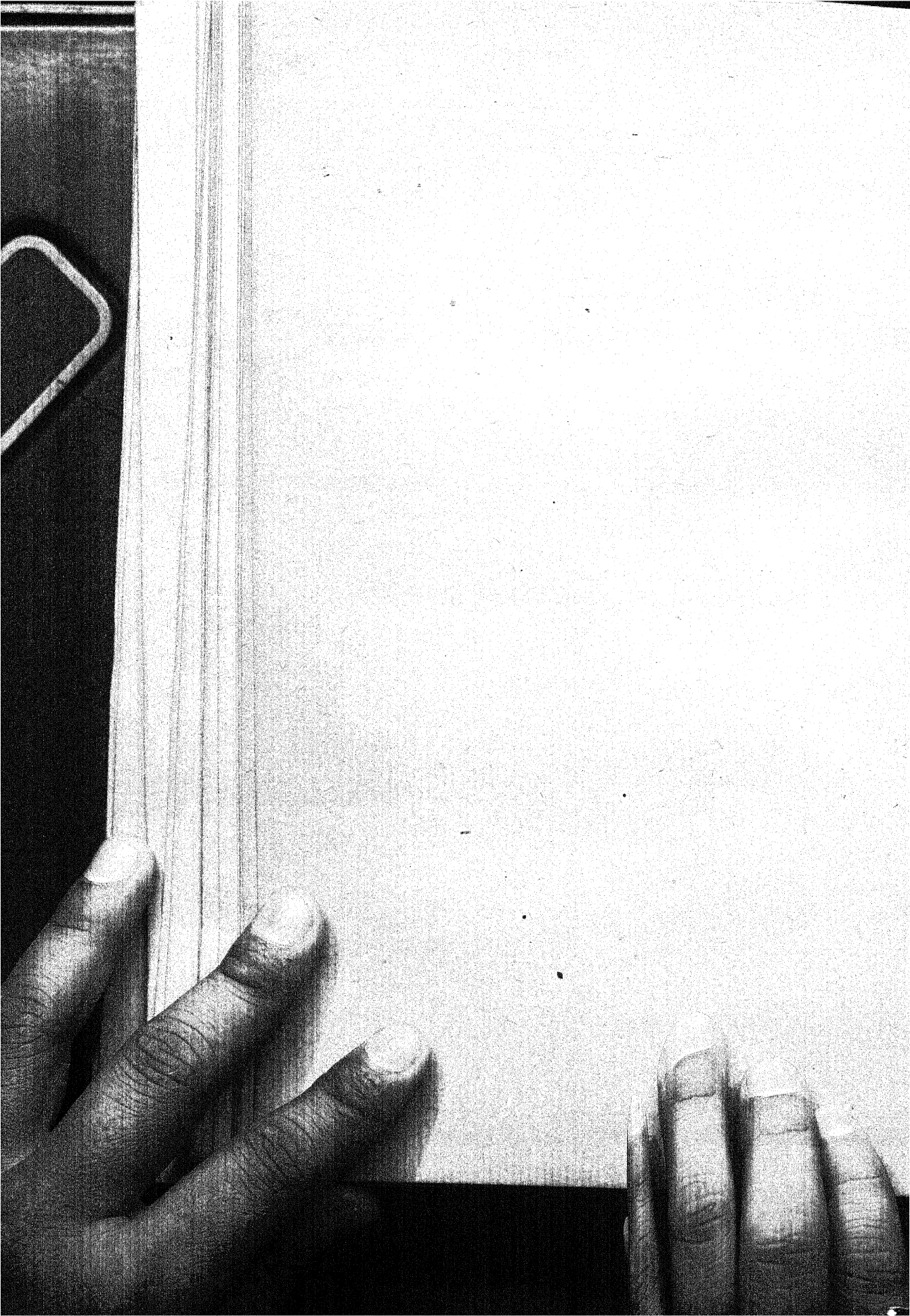
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LEGISLATIVE COUNCIL,
UNITED PROVINCES OF AGRA AND OUDH.

Thursday, 9th November, 1922.

The Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

PRESENT:

The Hon'ble Sir Ludovic Porter.
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan.
The Hon'ble Mr. C. Y. Chintamani.
The Hon'ble Pandit Jagat Narayan.
Mr. S. H. Fremantle.
Mr. G. B. Lambert.
Mr. H. S. Crosthwaite.
Mr. A. B. Reid.
Kunwar Jagdish Prasad.
Mr. A. C. Verrières.
Mr. R. Burn.
Mr. F. F. Sladen.
Mr. C. M. King.
Mr. F. F. R. Channer.
Mr. H. de L. Ross.
Mr. G. B. F. Muir.
Lt.-Col. A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. H. M. Leake.
Mr. L. S White.
Raja Muhammad Ejaz Rasul Khan.
Mr. H. W. Gill.
Mr. H. David.
Babu Khem Chand.
Pandit Govind Sahai Sharma.
Rai Anand Swarup Bahadur.
Rai Sheo Charan Lal Sahib.
Babu Chhail Bihari Kapur.
Pandit Soti Vishnu Swarup.
Major Kunwar Shamsher Bahadur Singh.
Lala Shadi Ram.
Pandit Hirday Nath Kunzru.
Rai Sita Ram Sahib.
Pandit Nanak Chand.
Thakur Manak Singh.
Rao Sheo Dhyan Singh Sahib.
Rai Man Singh Bahadur.
Rai Indra Narayan Sahib.
Raja Kali Charan Misra.
Chaudhri Sher Singh.
Rai Daya Shankar Sahib.
Chaudhri Sardar Singh.
Babu Gur Sahai.
Pandit Brijnandan Prasad Misra.
Rai Gopal Das Sharma Sahib.
Babu Parmeshwar Dayal Amist.
Babu Gendan Lal.
Lieut. Raja Hukm Tej Pratab Singh.
Pandit Balbhadra Prasad Tiwari.
Major Des Raj Ranjit Singh.
Lieut. Kunwar Nand Lal, Rai Bahadur.
Mahant Parmanand Gir.
Raja Harpal Singh.
Thakur Parsidh Narayan Singh.
Thakur Hanuman Singh.
Mr. Ajodhya Das.
Raja Indrajit Pratab Bahadur Sahi.
Pandit Baijnath Misra.
Rai Jodh Singh B. Negi Bahadur.
Pandit Gokaran Nath Misra.
Sardar Birpal Singh.
Rai Mashal Singh Bahadur.
Kunwar Dillipat Shah.
Mr. Kesari Prasad Singh.
Rai Rajeshwar Bali.
Mirza Muhammad Sajjad Ali Khan
Qazi Muhammad Hashim.
Lieut. Kunwar Jamshed Ali Khan.
Khan Bahadur Kunwar Inayat Ali Khan.

Chaudhri Amir Hasan Khan, Khan Bahadur.
Lieut. Nawab Muhammad Ahmad Salid Khan.
Khan Sahib Shaikh Muhammad Yusuf.
Munshi Ata-at-mand Khan Mujibee.
Mr. Zafar Husain.
Nawabzada Muhammad Yusuf.
Khan Bahadur Shah Badre Alam.
Khan Bahadur Mr. Muhammad Ismail.
Mr. Shakir Ali.
Khan Sahib Hakim Nawab Ali Khan.
Mr. Jafer Hosain.
Khan Bahadur Shaikh Saiyid Muhammad.
Munshi Muhammad Fazl-ur-Rahman Khan.
Sardar Rahimdad Khan, Khan Bahadur.
Munshi Muhammad Zahur-ud-din Khan.
Lieut. Shaikh Shahid Husain.
Raja Sir Saiyid Abu Zafar.
Rai Kunwar Parmanand Bahadur.
Raja Ragho Prasad Narayan Singh, Rai Bahadur.
Raja Shambhu Dayal.
Thakur Nawab Ali Khan.
Thakur Jaggannath Bakhsh Singh.
Rai Vikramajit Singh Bahadur.
Pandit Iqbal Narayan Gurtu.
Mr. A W. Pim.

QUESTIONS AND ANSWERS.

Rent and revenue cases in the Bulandshahr Collectorate.

* 1. **Pandit Nanak Chand**: (*a*) Will the Government be pleased to state how many contested rent and revenue and miscellaneous cases and proceedings were decided by the deputy collectors in the Bulandshahr district in 1920, 1921 and 1922?

(*b*) What is the sanctioned and the present strength of revenue officers in the district?

* 2. **Pandit Nanak Chand**: Will the Government be pleased to state how many contested rent and revenue and miscellaneous cases and proceedings are pending in the deputy collector's courts at Bulandshahr?

*3. **Pandit Nanak Chand**: Will the Government be pleased to consider the advisability of fixing a time-limit within which the revenue courts should ordinarily be required to decide contested cases and of requiring them to submit quarterly returns showing the number of pending cases which are of six months, one year, one and a half year and two years or more than two years' duration respectively.

The Hon'ble Sir Ludovic Porter: An answer will be given at a later date.

Anonymous opinion laid before the Select Committee on the District Boards Bill.

* 4. **Pandit Nanak Chand**: (*a*) Will the Government be pleased to lay a copy of the anonymous handbill headed "Opinion of a prominent landholder" which was circulated to the members of the Select Committee appointed to consider the District Boards Bill when the committee was in session to consider the Bill?

(*b*) Is it a fact that the said handbill was printed at the Government Camp Press, Lucknow?

(*c*) If so, who got it printed and who is its author?

The Hon'ble Pandit Jagat Narayan: (*a*) Yes.

(*b*) Yes.

(*c*) The leaflet was printed under the orders of the Hon'ble Minister of Local Self-Government. Government do not consider it desirable to disclose the author's name.

Female Hospital, Bulandshahr.

* 5. **Pandit Nanak Chand**: (*a*) Will the Government be pleased to state what accommodation is there in the Bulandshahr Female Hospital for in-door patients and how many patients can be accommodated there? What is the number of in-door patients at present?

(*b*) Is it a fact that for want of accommodation for in-door patients at the said hospital many patients have been refused admission recently and sometimes patients had to be asked to leave prematurely to admit urgent cases?

(*c*) Will the Government be pleased to arrange to increase the accommodation for in-door patients at the said hospital?

The Hon'ble Pandit Jagat Narayan: (*a*) There is accommodation for 25 patients. Their number on the 30th October, 1922, was 30. This includes mothers with small children who are not as a rule allowed separate beds but count as separate patients.

(*b*) No, but on a few occasions when the number of in-patients was greater than could be provided for those who could be treated in the out-patients' department were not taken in till accommodation was available.

(*c*) Financial stringency renders it impossible for Government to help, and the district board, which finances the hospital, is probably similarly placed. As congestion is only occasional Government does not propose to take any action.

Stacking of bones at the railway station, Bulandshahr.

* 6. **Pandit Nanak Chand**: (*a*) Is the Government aware that bones meant for transhipment are stacked within a distance of about 50 or 60 yards from the platform of Bulandshahr railway station and the residential quarters of clerical staff of the said station which causes a great deal of inconvenience to the passengers, railway staff and merchants who have to frequent the goods-shed, on account of the nauseating bad smell?

(*b*) Will the Government be pleased to draw the attention of the railway authorities concerned to arrange for the stacking of bones at a suitable distance at an early date?

The Hon'ble Sir Ludovic Porter: A reply will be given at a later date.

Stipends to United Provinces students at Dehra Dun Forest College.

* 7. **Pandit Nanak Chand**: (*a*) Will the Government be pleased to state whether all the ranger class students at Dehra Dun Forest College, except those from United Provinces, are allowed stipends from Rs. 40 to Rs. 50 per mensem by Bombay, Punjab, Assam, Bengal Provinces and Indian States in addition to actual travelling expenses?

(*b*) Is it a fact that no student from the United Provinces has so far been given any scholarship or travelling allowance?

(*c*) What is the number of students in the ranger class ?

(*d*) What does the Government propose to do to remove this anomalous distinction in the case of the United Provinces students ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) It is understood that all ranger students at the Dehra Dun Forest College, except those from this province, receive stipends, in addition to railway and steamer expenses actually incurred by them on journeys.

(*b*) The grant of stipends was discontinued by this Government from the year 1912, owing to the fact that a large number of Government candidates were forthcoming who were ready to pay for their own education at the college. Since then no stipends have been given by this Government except to students already in Government service.

As regards travelling allowance, it is believed that ranger students from this province draw railway fares while at the college like students of other provinces, but the matter was under inquiry even before this question was asked. The subject is under consideration.

(*c*) Sixteen.

(*d*) Provision on account of stipends would have been made in this year's budget but for the financial stringency. A proposal to grant these stipends has again been brought forward for inclusion in next year's schedules, and the matter is being considered.

Treatment of political prisoner Haji Muhammad Amir of Lahrpur, district Sitapur.

* 8. **Pandit Nanak Chand**: (*a*) Is it a fact that Haji Muhammad Amir of village Lahrpur, district Sitapur, late honorary magistrate, has been convicted and sentenced to one year's rigorous imprisonment under section 17B, Criminal Law Amendment Act, on the 4th April, 1922, at Sitapur ?

(*b*) Has he been transferred to Meerut district jail from Sitapur ?

(*c*) Was he given any bad remark at the time of his transfer from Sitapur to Meerut by the Sitapur jail authorities ?

(*d*) Is he required to do hard labour ?

(*e*) If so, why has he not been treated as a political prisoner in view of his age and respectability ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) The conviction is correctly stated, but this person was never an honorary magistrate. There is a late honorary magistrate of Lahrpur whose name is somewhat similar, but he was never prosecuted or convicted.

(*b*) (*c*) and (*d*) Yes.

(*e*) Because in the opinion of local authorities special treatment is not justified in his case.

Babu Chhail Bihari Kapur: Is the Hon'ble the Home Member in a position to give the Council some idea of the social status of this prisoner ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: It is reported that he has no status.

Nazars at Darbars.

*9. **Rai Sita Ram Sahib**: (*a*) In connection with my question No. 101, dated the 24th October, 1922, will the Government be pleased to state what classes are included among the darbaris who are expected to present the *nazars*?

(*b*) Is it a fact that Indians invited to the darbars who are not on the list of darbaris are also expected to present the *nazars*?

(*c*) Are Europeans who are invited, such as honorary magistrates and zamindars, exempt from presenting *nazars*?

(*d*) Will the Government be pleased to abolish the racial distinction involved or do away with the system of presentation of *nazars*?

The Hon'ble Sir Ludovic Porter: (*a*) The classes included among darbaris who are expected to present *nazars* are—

(1) Regular darbaris.

(2) Retired Civil Indian officers.

(3) Retired Indian commissioned officers.

(4) Civil Indian officers in active service.

(5) Indian commissioned officers in active service.

(6) Honorary magistrates, honorary assistant collectors and honorary munsifs, and members of municipal or district boards.

(*b*) No Indians other than those included in the classes mentioned above are invited to darbars, except Members of Provincial and Imperial Legislatures. These receive complimentary invitations and are not expected to present *nazars* unless they are also darbaris. In that case they first sit with the darbaris of their class and, after being presented, occupy seats reserved for them near the dais.

(*c*) As darbars are in origin purely Indian functions, no Europeans or Anglo-Indians are invited. The only Europeans present are the officers on duty or (on some occasions) other officers of standing such as High Court Judges, Judicial Commissioners, District Judges, etc., who receive complimentary invitations.

(*d*) The first part does not arise. As to the second part so far as the Government is aware, there is no general feeling against the practice.

Rai Sita Ram Sahib: Is it to be understood that within the same service an Indian officer would be expected to present a *nazar* and a European officer would be exempt from that duty?

The Hon'ble Sir Ludovic Porter: I think I have pointed out that Europeans as such are not invited.

Rai Sita Ram Sahib: I wanted to make the point clear.

The Hon'ble the President: It is perfectly clear

Rai Sita Ram Sahib: Do I understand the Hon'ble the Finance Member to say that an Anglo-Indian deputy collector will be exempt from presenting a *nazar* while an Indian deputy collector will have to present it?

The Hon'ble the President: The reply need not be given unless the original reply is obscure or the matter arises out of the reply already given. It has already been stated that no Europeans or Anglo-Indians are invited.

Rai Sita Ram Sahib: May I ask whether Indian Christians are included among Anglo-Indians?

The Hon'ble the President: No. Why should they be?

Rai Sita Ram Sahib: That is, they are expected to present *nazars*?

The Hon'ble the President: I do not know. If the honourable member asks a question about Indian Christians a reply can be given.

Rai Sita Ram Sahib: My question was comprehensive enough.

The Hon'ble Sir Ludovic Porter: I presume they present *nazars*.

Pandit Hirday Nath Kunzru: Will Government consider the desirability of removing all distinctions between Indian and European officers in this respect?

The Hon'ble Sir Ludovic Porter: I do not think there are any distinctions. The darbars are purely Indian functions, and Europeans, as pointed out, as such, are not invited except as complimentary instances sometimes.

Pandit Hirday Nath Kunzru: May I tell the honourable member that I was speaking of European and Indian officers of the various services? Is there any distinction between them or not? If there is, will Government remove it?

The Hon'ble Sir Ludovic Porter: To my mind there is no distinction because European officers are not invited.

Pandit Hirday Nath Kunzru: Is this not a distinction that one is invited and the other is not?

The Hon'ble Sir Ludovic Porter: No, not in this case because the function is purely Indian.

Rai Sita Ram Sahib: It is said in the answer that there are some officers of standing such as High Court Judges, Judicial Commissioners, District Judges, etc., who are present and who are not expected to present *nazars*. If an Indian happens to be the Judge of a High Court, will he be expected to present a *nazar*?

The Hon'ble Sir Ludovic Porter: If he is a darbari.

Babu Chhail Bihari Kapur: Have the orders on the subject been framed by the Government of India or by the Local Government?

The Hon'ble Sir Ludovic Porter: I presume by the Government of India. I am not quite sure, I will find out.

Rai Sita Ram Sahib: But are there any regulations on the point? I asked the other day whether there were any orders or regulations on the point, but I was told that there was none.

The Hon'ble the President: Are these not the orders?

Rai Sita Ram Sahib: The Hon'ble the Finance Member says that the orders are of the Government of India.

The Hon'ble the President: He is not sure whether the orders have come from the Government of India or are orders of the Local Government.

The Hon'ble Sir Ludovic Porter: They are of a very old standing and are based on custom.

Case of Babu Joti Prasad Gupta.

*10. **Rai Sita Ram Sahib**: Will the Government be pleased to give reply to parts (2) and (3) of question No. 102, dated the 24th October, 1922.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: An answer will be given at a later date.

Medical Officer of Health in Shahjahanpur municipality.

*11. **Saiyid Janab Ahmad**: (*a*) Has the attention of the Government been drawn by the Commissioner of the Rohilkhand division to his order purporting to have been passed under the provisions of section 34 of the Municipalities Act of 1916, staying the execution of the resolution passed by the municipal board of Shahjahanpur abolishing the post of its medical officer of health?

(*b*) If so, will the Government be pleased to state what action has it taken on that order and on the conditions imposed by it on the board to be fulfilled before it may exercise its absolute right in the matter of the employment of its medical officer of health?

The Hon'ble Pandit Jagat Narayan: An answer will be given at a later date.

Civil Surgeons to act *ex officio* as medical officers of a municipality.

*12. **Saiyid Janab Ahmad**: Is it still the duty of the Civil Surgeon or other principal medical officer of a district under the Government's notification, dated the 29th January, 1915, to act *ex officio* as the medical officer of a municipal board which does not employ such officer from the Provincial Service?

The Hon'ble Pandit Jagat Narayan: No. The notification was withdrawn shortly after its issue.

Clerical establishment, Bijnor and Moradabad Sub-Judge's Courts.

*13. **Chaudhri Sher Singh**: Will the Government be pleased to state if the clerks in the establishment of the Moradabad sub-judge's court help the clerks in the establishment of the Bijnor sub-judge's court and *vice versâ*.

Mr. L. S. White: The answer is in the negative.

Irregular procedure of Sub-Judge, Bijnor.

*15. **Chaudhri Sher Singh**: Will the Government be pleased to inquire if the sub-judge of Bijnor writes orders on the applications in his retiring room without calling the parties in the presence of the clerks.

Mr. L. S. White: Inquiries have been made and Government is informed that the practice is not as suggested in the question

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THE UNITED PROVINCES DISTRICT BOARDS BILL, 1921.

CLAUSE 10.

The consideration of the United Provinces District Boards Bill as reported by the Select Committee was resumed.

Mr. G. B. F. Muir: I move that for the words "as soon as may be after the commencement of this Act, or if the Local Government so directs prior to such commencement" the following words be substituted "When the Local Government so directs." If honourable members will look at amendments Nos. 377 and 378, they will find an adaptation of clause 10 which is intended to be applied in the first elections held immediately after the passing of this Act. The intention is that the provisions of the clause which is now under consideration shall apply only to elections held hereafter, i.e., the second, third and fourth elections, and so forth. The preparation of the roll for the district board elections on the lines required by clause 8 of the Bill will be a matter of considerable complexity and is likely to take longer than the few months which intervene between now and March next when it is hoped to hold the first elections under this Bill. But we have all ready the Provincial Electoral Roll with substantially the same qualifications as are contained in clause 8 of this Bill and in order to permit of the first elections being held in next March it is proposed that only persons who are enrolled on the Provincial Electoral Roll should take part in those elections. If the officers who are preparing the rolls for the district board elections have only to consider the names already entered on the Provincial Electoral Roll their task will be greatly simplified and they should be able to prepare the roll in time: but otherwise probably the elections would have to be postponed until September next. The amendment which I have just moved is merely to obviate the necessity of preparing the permanent district board election roll immediately after the commencement of this Act.

The Hon'ble Pandit Jagat Narayan: I may inform the honourable members that they have already accepted a similar amendment in the Municipalities Act and for the same reasons an identical amendment will be moved with regard to this Bill at the proper time and place. This is a consequential amendment having regard to the amendment which will be moved subsequently.

The motion that in sub-clause (1) of clause 10 for the words 'as soon as may be after the commencement of this Act, or if the Local Government so directs prior to such commencement" the words "when the Local Government so directs" be substituted was put and adopted.

The motion that sub-clause (1) of clause 10 do stand part was put and adopted.

Mr. G. B. F. Muir: I move that in sub-clause 2(*a*) of clause 10 for the words "under clauses (*a*) and (*b*) of sub-section (1)" the words

"under clause (*a*) or clause (*b*) of sub-section (1)" be substituted. The amendment is merely grammatical.

The motion was put and adopted.

Mr. G. B. F. Muir: I move that in sub-clause 2 (*a*) of clause 10 for the words "and clauses (*a*) and (*b*) of sub-section (1)" the words "or under clause (*a*) or clause (*b*) of sub-section (2)" be substituted. This amendment is merely consequential on the splitting of the original clause (*a*) of sub-section (2) of section 8 into two clauses, viz., clause (*a*) and clause (*b*).

The motion was put and adopted.

The motion that sub-clause 2(*a*) of clause 10 as amended do stand part was put and adopted.

Thakur Hanuman Singh: I have to move an amendment to this sub-clause (*a*).

The Hon'ble the President: Sub-clause (*a*) is completed.

Thakur Hanuman Singh: I bow to the ruling of the Chair, but my amendment is an important one.

Mr. G. B. F. Muir: I move an amendment to the amendment on the agenda paper to the effect that in place of the amendment on the agenda paper the following amendment be substituted:—

In (*b*) for the words "clauses (*b*) and (*d*)" substitute the words "clause (*c*) or clause (*e*)."

The motion was put and adopted.

Mr. G. B. F. Muir: I move that in (*b*) for the words "clauses (*b*) and (*d*)" the words "clause (*c*) or clause (*e*)" be substituted.

The motion was put and adopted.

The motion that sub-clause (*b*) of clause 10 (2), as amended, do stand part was put and adopted.

Mr. G. B. F. Muir: I move that for the letter (*c*) the letter (*d*) be substituted.

The motion was put and adopted.

The motion that sub-clause (*c*) of clause 10 (2), as amended, do stand part was put and adopted.

CLAUSE 10, SUB-CLAUSE (3).

Mr. Shakir Ali: With your permission, Sir, I would like to move that the present sub-clause (3) be deleted.

I have tried from the very beginning to widen the choice of electors, but I am sorry I have not been able to succeed in this. The sub-clause, as it stands, limits the power of a person to one circle only. If he holds property or interest in more than one circle, he has to make his choice and get himself entered on the electoral roll of one circle only. This, I submit, causes a great hardship. For instance, if a person holds property in a number of tahsils in the district and if he wants to stand from a particular tahsil—and if he is entered on the electoral roll of only one of the tahsils, his choice would be limited. He will not have the right

[Mr. Shakir Ali.]

to stand for election from any of the tahsils or from any particular tahsil which he prefers. Therefore, I think in the interest of fair play this sub-clause should be deleted.

The Hon'ble Pandit Jagat Narayan : The practice even at present is this that when a municipality is divided into several wards the name of the elector is put in every ward, but subsequently letters are issued to him, and he is asked to select one of the wards where he wants to remain. It is purely a matter of rules and procedure, and I may inform the Council that the same procedure will be followed.

Babu Parmeshwar Dayal Amist : My amendment is as follows :—

Omit sub-clause (3) and substitute the following in its place :—

"Any person enrolled as an elector in more circles than one of a district shall have a choice to select the circle which he desires to represent and send an intimation of the circle selected to the District Magistrate at least one month before the polling."

This clause of the Bill restricts the right of a person who is well qualified for enrolment from being enrolled as an elector in all the circles in which he possesses the qualification. It transgresses the fundamental principle that a man possessing the requisite qualifications for enrolment as an elector should be enrolled as an elector, because he has been enrolled in one circle in which he also possesses that qualification is no ground for depriving him of his right to be elected in another or other circles. This is not right. Even in the present Act of 1906 this principle has been upheld, and it is allowed in the district board elections that a person who is enrolled in more than one tahsil can stand as a candidate for election as a member in all or any one of them. After he is elected in more than one tahsil, he is asked to select the tahsil which he would like to represent. This procedure gives rise to one difficulty, viz., that when he elects to represent one tahsil, in other tahsils either the next candidate is to be declared as elected in his place or a second election is ordered to take place. But my amendment provides for this difficulty. I submit that if a man is enrolled in more than one circle there is no harm to be apprehended. This is his right and he should be allowed his right. Should he stand as a candidate from more than one circle, he should not be allowed to do so. My amendment provides for that also. He shall have to select the circle from which he prefers to stand as a candidate, and this will not give rise to any difficulty. In respect of votes to be given by him it has been provided that he cannot give more than one vote. There is therefore nothing to be afraid of on that account also. It may be said that if a person resides in one circle he cannot go and get himself elected in a circle other than his own circle, but why should it be so as it makes no difference, when residence is not a necessary qualification under section 8? If a person possesses property in more than one tahsil, he is as much qualified to be enrolled as an elector as a person who, under other clauses, is qualified to be enrolled as an elector on account of his residence in that circle. So it makes no difference from what circle he is elected. This principle has been allowed in municipal and Council elections, where if there is a person who has been on the electoral roll of a constituency, he can go to another constituency and stand as a candidate there to represent that constituency, although his

name is not enrolled in that constituency and he is not a resident even. I do not see any reason why the same principle should not be adopted in the case of district board elections as well. Here it is provided in the Bill that if a person is not enrolled in a particular circle, he shall be competent to stand as a candidate in the tahsil. That means that the principle is conceded in respect of smaller area tahsil, but is being opposed in respect of a larger area, viz., the district, which forms a unit for the district board. With these remarks, I hope that my amendment will be accepted by the Council.

The Hon'ble Pandit Jagat Narayan : The Select Committee came to the conclusion—and rightly too—that no person should have more than one vote. This same principle is also followed in the municipal elections. A man who lives in a city divided into several wards and happens to own property in every ward, at the time of the preparation of the electoral roll is asked in which ward he wants his name to be entered. Therefore, unless and until this Council decides that a man, possessing property in different wards, should have more votes than one—that is, if a district is divided into ten circles he should have 10 votes—he must choose in which circle he will vote, and he should exercise his choice one month before the polling takes place. The proposed amendment cannot be accepted. I think that the Select Committee has rightly arrived at the conclusion that a person should not have more than one vote, and so far no difficulty has been felt in regard to the municipalities on account of the adoption of this principle.

Babu Parmeshwar Dayal Amist : My honourable friend the Minister for Local Self-Government has placed instances of the elections of the municipal boards, but I think the two elections are quite different, although this principle which I have suggested does not differ much from that which he has just placed before the Council. In municipal elections there are many candidates well qualified in all respects for election in the wards, but as regards the district boards well qualified candidates are rarely found in the districts and their number is very limited. Therefore, if one person possesses qualifications for more than one circle, there is no reason why the district should not get the services of such well qualified man and prohibit his election from other circles in which he is not enrolled. I think it is of utmost necessity and it is but proper that this principle should be allowed. It is said that a person should not be allowed more than one vote, but I would point out that this amendment of mine does not allow that. A person who will stand as a candidate in one circle, will be there for his own sake canvassing votes for himself and he will not be running about for giving his votes in other circles. I therefore press my amendment for the acceptance of the Council.

The motion that clause 10(3) do stand part was put and the Council divided as below :—

Ayes (40).	*Noes* (25).
Pandit Hirday Nath Kunzru,	Rai Man Singh Bahadur,
Pandit Nanak Chand,	Rai Indra Narayan,
Major Kunwar Shamsher Bahadur Singh.	Babu Chhail Bihari Kapur,
Thakur Parsidh Narayan Singh,	Raja Sir Saiyid Abu Jafar,
Rai Gopal Das Sharma Sahib,	Mr. H. David,

Ayes (40).

Babu Gendan Lal,
Chaudhri Sardar Singh,
Mr. H. W. Gill,
Qazi Muhammad Hashim,
Major D. R. Ranjit Singh,
Rai Daya Shankar Sahib,
Babu Gur Sahai,
Lt. Kunwar Nand Lal, Rai Bahadur,
Raja Kali Charan Misra,
Pandit Baijnath Misra,
Mr. Ajodhya Das,
Pandit Iqbal Narayan Gurtu,
Pandit Gokaran Nath Misra,
Thakur Manak Singh,
Rai Vikramajit Singh Bahadur,
Rai Sita Ram Sahib,
Pandit Soti Vishnu Swarup,
Lt.-Col. A. W. R. Cochrane,
Mr. A. W. Pim,
Mr. F. F. Sladen,
Mr. H. M. Leake,
Mr. A. H. Mackenzie,
Mr. A. C. Verrières,
The Hon'ble Mr. C. Y. Chintamani,
The Hon'ble Sir Ludovic Porter,
The Hon'ble Pandit Jagat Narayan,
Mr. G. B. Lambert,
Mr. H. S. Crosthwaite,
Mr. H. de L. Ross,
Mr. S. H. Fremantle,
Mr. F. F. R. Channer,
Mr. A. B. Reid,
Mr. L. S. White,
Mr. C. M. King,
Mr. R. Burn.

Noes (25).

Khan Bahadur Shaikh Saiyid Muhammad,
Babu Khem Chand,
Mr. Fazl-ur-Rahman Khan,
Khan Bahadur Muhammad Zahur-ud-din Khan,
Lt. Kunwar Jamshed Ali Khan,
Khan Sahib Hakim Nawab Ali Khan,
Khan Bahadur Shaikh Muhammad Yusuf,
Thakur Nawab Ali Khan,
Chaudhri Sher Singh,
Mr. Shakir Ali,
Mr. Jafer Hosain,
Khan Bahadur Shah Badre Alam,
Mr. Zafar Husain,
Mahant Parmanand Gir,
Munshi Ata-at-mand Khan Mujibee,
Khan Bahadur Sardar Rahimdad Khan,
Mirza Muhammad Sajjad Ali Khan,
Babu Parmeshwar Dayal Amist,
Pandit Govind Sahai Sharma,
Kunwar Jagdish Prasad.

The motion was therefore adopted.

CLAUSE 10(4).

The motion that clause 10(4) do stand part was put and adopted.

The motion that clause 10, as amended, do stand part was put and adopted.

Rai Kunwar Parmanand Bahadur: I beg to move that after section 10 the following be added:—

10(*a*) (1) The Collector shall, as soon after the preparation of electoral roll as possible, prepare two separate lists of eligible candidates for memberships of a district board or circle, namely,—

(*a*) general candidates' roll showing all qualified non-Muslim candidates,

(*b*) a Muslim candidates' roll showing all qualified Muslim candidates.

(2) Subject to rules made by the Local Government under section 16, the following persons shall be entitled to be entered in the candidates' roll prepared for a circle :—

Every person whose name appears on the electoral roll of the circle prepared under section 10 and who possesses the following qualifications :—

(*a*) is able to read and write English, Urdu or Hindi,

(*b*) pay Rs. 500 per annum or more as Government revenue or a rent of Rs. 150 per annum or more, or an income-tax or tax on circumstances and property of Rs. 200 per annum or more :

Provided that no person's name shall be brought on the candidates' roll who—

(*a*) has been dismissed from Government service, and is debarred from re-employment therein,

(*b*) is debarred from practising as a legal practitioner by order of any competent authority, or

(*c*) holds any place of profit in the gift, disposal, pay or service of the board, or

(*d*) is disqualified under section 23, 25 or 32, or

(*e*) is a Government servant, or

(*f*) holds directly or indirectly or by a partner any share or interest in any contract or employment with, by or on behalf of the board :

Provided that in cases (*a*), (*b*) and (*d*) the disqualification may be removed by an order of the Local Government in this behalf.

The District Board Bill when it came before the Council from the Select Committee made no distinction between the candidate who was to be brought on the electoral roll and one who was to become a member of the district board. Since then amendments have been put in showing that if any of them is to be accepted the rule that every voter is eligible to be a member of the District Board would not hold good. If, as has hitherto been done, two lists have to be prepared, it would be necessary to split up clause 10 as it now stands into two parts. Some matter will have to be brought over here if the Collector has to prepare another list, and some will have to be retained in section 12. My amendment makes an attempt at this splitting up. I submit that while it is only right and proper that we should so frame our rules as to educate the people in the art of local-self government, it is also necessary that along with the desire so to educate the people we should also bear in mind that the efficiency of the district boards should not be allowed to go below the minimum limit. It seems to me, Sir, that at the beginning it would be enough to allow a wide range of people to come on to the electoral roll and to have a voice, a direct voice, in the administration of the rural area. But we might be driving the coach too fast if we make no distinction whatever and allow a candidate who is given a vote in the general electorate without any limitation whatever to become a member of a district board. Restrictions have been suggested in two ways—educational qualifications of a very moderate kind and some property qualifications also. Many of the honourable members of this

[Rai Kunwar Parmanand Bahadur.]

Council, including the Hon'ble the Minister of Local Self-Government himself, have suggested that no man who cannot read and write freely should be made eligible for membership of a district board. I do not think that I should at this stage say much as to the absolute necessity of this rule. But I will have later on to point out that its existence also makes the property qualification necessary. It must be within the recollection of honourable members of this House that yesterday in the course of the remarks I had the opportunity of making I drew attention to the fact that the report of the Rule 13 Committee emphasizes the adoption of the principle that the franchise should be based solely on property qualifications. It is, Sir, the introduction of clause (*d*) in section 10 that has made educational qualification a condition precedent to membership of a district board; but if we are to adhere to what is a broad basis for an enactment such as the Bill contemplates, it must not be forgotten that the chief criterion is property qualification. The first question therefore for consideration is whether or not, in view of the amendments put forward, and assuming they are accepted, it has become essential that we should have two lisls and not only one list prepared; and if this is necessary it becomes obviously essential that part of the matter which now stands in section 12 should be transferred to section 10 as section 10A. When section 12 was drafted it does not seem to have been in contemplation to put any restrictions at all, and the idea then evidently was that every person whose name is on the general electoral roll should be eligible for membership of a board. The Council has to determine whether either of the conditions which my amendment embodies, namely, educational and property qualifications, is to be accepted. With regard to educational qualifications it was suggested this morning that that by itself would not necessitate the preparation of a separate list and that should anyone who does not possess that qualification, i.e., who is unable to read and write, come forward and have his name brought on the electoral roll and become a member, it may be left to the rival candidate to raise the objection. I personally would prefer that that matter, if practicable, be determined at an ealier stage instead of being left to be taken up as an objection by means of an election petition. However, with regard to my amendment which seeks to introduce the condition of property qualification it is necessary that certain matter from section 12 be brought into the Act as section 10A. Now, Sir, while judging from the number of amendments I may assume that the suggestion that no man who cannot read and write should be allowed to be member of the board would be received with favour by the House, the other restriction may present some difficulty to many members. So far only my friend Rai Mashal Singh Bahadur has suggested, although in some slightly different terms, property qualification as the condition precedent for membership. I may, without attempting to anticipate the arguments that may be put forward against this view, say a few words in support of my recommendation. In the first place at the risk of repetition I say that if we are to follow the considered recommendations of the Rule 13 Committee, we must put in property qualification as a necessary condition. In the second place one may presume without meaning any offence that the higher a man stands in the social scale the greater are his opportunities for coming into contact with business matters and business people. Fewer are

those chances for those who are differently situated. I do not for a moment say that there is no force in what the honourable member from Gorakhpur said yesterday that it is the brain and not money that we require. The answer to that was given, it would be within your recollection, by the Hon'ble the Minister for Local Self-Government when he said that we should not assume that those who are in financially satisfactory condition are devoid of brains or devoid of education or devoid of intelligence. But in order to take the necessary precautions and to ensure that the district boards will be able to do their work satisfactorily it is necessary that we should put some restriction and to that extent narrow the franchise.

Sir, I heard rather a loud whisper that we cannot possibly go back upon what we have done, and if for an august body like the Legislative Council no distinction is to be made and every one who is entitled to vote is also entitled to become a member, how can we possibly entertain in any seriousness the suggestion that we should make property qualification necessary for membership? I am aware that when opinions have been formed and the angle of vision has been fixed, it is difficult to change them; but I feel it my duty to endeavour to change the opinions of those who may be against my motion. The constitution and functions of this Council are very different from the constitution and functions of a district board. In the Council, as we all know, ample and more than ample provision has been made to secure efficiency. The Legislative Council, composed as it is, has among its members an appreciably large proportion of persons who have spent the best part of their lives in administration, who know the requirements, who understand the wants and who can appreciate the difficulties of the administration. We have also here a very large number of members of the legal profession who constantly come in contact with people, who in the course of their practice—and some of them as have large practices, like my friend on the right—have constant opportunities of knowing the wishes of the people and the difficulties of the administration. Then again a district board, unlike the Legislative Council, is an executive body. It has every day to do substantial work the quantity and difficulties of which are being increased. The Legislative Council, if I may be permitted to express an argument and not a sentiment, is a criticizing body. As such it is different in character from a district board, and although it may stand on a higher pedestal, the district board has to perform more difficult work, and we must take care therefore to bear in mind the difference between the two institutions. I may also say that some of the politicians at least seem to be firmly of opinion that consistency without any relaxation at all is not very commendable in politics. I do not know whether we have not in the course of our experience here in this hall found examples of inconsistency. To my mind there would be no inconsistency whatever if we have a set of rules for district boards different in principle from those which form the basis of the constitution of the Legislative Council; but, even if there were some apparent inconsistencies, I think they are pardonable, and on that ground I trust the members will not hesitate to give their support to my motion if on the merits they are satisfied that the motion is a good and proper one. With these few observations and reserving what I may have to say by way of reply on a later occasion, I commend the motion for the acceptance of the Council.

The Hon'ble the President: Honourable members will see that this motion in great part trenches on ground which is covered by clause 12. I have permitted the motion to be moved because the difference that the honourable member appears to wish to make is that in the case of his new clause 10A it should be definitely decided that two separate lists of eligible candidates for membership other than the lists of electors should be prepared. Clause 12 does not provide for the preparation of such lists. If it were not for the preparation of these lists, it would appear that the honourable member could have obtained his purpose in regard to new qualifications by amending the list of qualifications laid down in clause 12. For instance, he could have said in clause 12 that no person shall be qualified for election as a member of the board who is not able to read and write English, Urdu or Hindi and who does not pay Rs. 500 per annum or more as Government revenue, etc. This would form an amendment to clause 12—a natural amendment; but I take it that the honourable member's purpose is that it should be definitely decided that there shall be separate lists of candidates, and that is not provided at present, as I understand the Bill, in any clause of the Bill. For that reason I permitted the amendment to be moved here rather than under clause 12, and further, for that same reason I do not propose to put before the Council the whole of the amending clause as it stands because that would necessitate a large number of amendments being moved to the clause lest it should be carried as it stands. So in order to get a straight issue to put before the Council I shall merely put before the Council the first lines of the clause in question, viz.:—

"The Collector shall as soon after the preparation of the electoral roll as possible prepare two separate lists of eligible candidates for memberships of a district board . . "

That will enable the Council to decide straight away whether it is desired that the preparation of candidate lists should be undertaken or not. If the Council decides that such lists should be prepared, then honourable members can move to amend, if they wish, the terms of the remaining part of the motion. So future members in speaking to this motion should as far as possible confine themselves to a discussion of that particular principle and, if that principle is carried in Council, leave it to amendments to make such changes in the various sub-clauses as the Council may desire. I hope that is clear and the honourable mover understands it.

Rai Kunwar Parmanand Bahadur: I quite understand. If I may be allowed to say just one word, it would make the situation clearer. You have absolutely correctly put the reason why I brought this motion at this stage of the discussion, but whether separate lists should or should not be prepared would depend upon whether the Council does or does not accept my recommendation that property qualification should be a condition precedent.

The Hon'ble the President: That can be considered in the course of the discussion without going into details.

Rai Kunwar Parmanand Bahadur: If it so pleases you, Sir, we may postpone the discussion of this portion till we come to clause 12, and should my recommendation about property qualification be accepted, we could come back to this.

The Hon'ble the President: I take it that the honourable member wishes to postpone the discussion of this motion and proposes to insert the qualifications (*a*) and (*b*) of his sub-clause (2) in clause 12.

Rai Kunwar Parmanand Bahadur: Yes, if it meets with your approval and with the approval of the Council.

The Hon'ble Pandit Jagat Narayan: I have no objection. I hope the honourable member will not make any speech.

Rai Kunwar Parmanand Bahadur: I will not make any speech.

The Hon'ble the President: I will put it to the Council whether the discussion of this motion be postponed until clause 12 is being dealt with or whether I should put now the principle which appears in the first lines. Personally I think it would be simpler to postpone the discussion.

The proposal that the discussion of the new clause 10A proposed by Rai Kunwar Parmanand Bahadur be postponed was put and accepted.

The Hon'ble the President: Similarly new clause 10 B will not be moved at the present stage.

CLAUSE 11.

The motions that sub-clauses (1), (2), (3) and (4) of clause 11 do stand part of the Bill were put separately and adopted.

Pandit Nanak Chand: I rise to propose an amendment which runs as follows:—

Add the following new sub-clause (5) to clause 11:—

'(5) Each candidate shall have a separate ballot box for recording votes in his favour.'

I may draw the attention of the House to the fact that the voters in rural areas are mostly illiterate. Their proportion in rural areas is far greater than in the urban areas. The present practice of recording votes of these illiterate voters that prevails in the municipalities and also for the elections to the various legislative bodies is somewhat as follows: Every ballot paper has got the names of all the candidates seeking election from a constituency recorded on it and there is a blank column in front of each candidate's name. Every elector who wants to vote at the election is provided with one of these ballot papers. If he is a literate voter, he marks a cross against the name of the candidate for whom he wants to vote, and in the case of electors who are illiterate they have to go to the returning officer and have to communicate to him the name of the candidate in whose favour they want to record their votes and the returning officer has to mark this cross against the name of the candidate as directed by the voter. Now, this practice has got many disadvantages. First of all, there are many literate voters who do not know how to vote and mark their cross. Sometimes when they are marking their cross, they take their cross into the adjoining column, and the ballot paper is spoiled. Some of them do not blot it and put it into the box after folding it. The result is that by folding the ballot paper when the ink is fresh it leaves another impression on the same ballot paper and thus the ballot paper is invalidated.

The Hon'ble the President: The Hon'ble the Deputy President will take the Chair.

Pandit Nanak Chand: In the case of illiterate persons there are still greater difficulties. First of all in the past the elections were confined to a limited number of voters and therefore their votes could be recorded without any hurry and without any fuss, but as this Bill proposes to confer the right of franchise on a large number of voters it necessarily follows that a large number of returning officers are required, and a large number of returning officers have to be appointed some of whom would have not been appointed if the Government had enough men of a better stamp. The first difficulty that arises is confusion of names. Sometimes voters know a candidate's name and it happens to be similar to the name of another candidate, or the elector happens to know a candidate by his surname or by some title and there may be confusion in the surnames or titles. Yesterday my friend from Etawah pointed it out to me that in his constituency he is known as Rai Sahib. One of his competitors was known as Rao Sahib. The voters found it extremely difficult to make out the difference and some of the voters who wanted to vote for the gentleman known as Rao Sahib said Rai Sahib and others reversed the process and thus recorded votes wrongly. Besides this, as I have already pointed out, the Government has to draw upon all sorts of returning officers and those returning officers have got their own views and inclinations. Some of them are scrupulously honest and they discharge their duties quite conscientiously; others are persuaded by feelings of their friendship with a certain candidate; others may be guided by their communal sympathies; others may be guided by their executive or administrative considerations against a certain candidate, or it may be that some of the returning officers may subordinate their conscience to any instructions that they may have to carry out which may have been communicated to them by their superior officers. It is with a view to avoid all these difficulties that I have brought forward this motion in the form of an amendment and I here point out to the honourable members of this House that this is not an innovation of my own creation or fancy. When the regulations for the elections for this Council were under consideration the Special Officer who was deputed to work out the holding of election, in his points for the consideration of the district officers, dated the 20th of January, 1920, suggested it to the district officers and his suggestion which is relevant here reads like this:—

"*Regulation* 15, *sub-clause* 5.—

As soon as the voter has made his thumb-impression after the identification he will be directed to pass on the next enclosure in which there would be different coloured boxes with the names of the candidates standing for election written out in Urdu and Hindi. Where candidates so desire a photograph of the candidate would be placed on the ballot box allotted to the candidate."

Unfortunately this practice was for some reason or the other not adopted in these provinces, but the presidency of Bombay has adopted a similar practice, as will appear from rule 1, clause (5) of Part IV of the Regulations for election to the Bombay Legislative Council, which reads as follows:—"The Collector shall supply to each presiding officer a ballot box for each candidate of the colour or combination of colours

or with the symbol allotted to such candidate." I think if the same practice is adopted in this province, we will be purifying the system of election, and ensuring correct recording of votes. With these words I commend my amendment for the acceptance of the Council.

The Hon'ble Pandit Jagat Narayan: As we have got a very heavy agenda before us, I would request my honourable friends to be very brief, and I may assure them that I shall also endeavour to follow this advice to the very letter.

I admit that the difficulties that have been pointed out by my honourable friend do exist, and anybody who has visited a polling station will realize what a great trial it is for an illiterate voter, when he goes there to record his vote. There is no doubt also that the suggestion made by the honourable member is a good one, and every attempt should be made to facilitate the giving of votes by illiterate voters. In my opinion it is not necessary that there should be a legislative provision in the Act itself. Another suggestion made was that every candidate may be required to supply a ballot box himself, and it will not then be necessary for the district board to supply ballot boxes to candidates. This suggestion will be considered by Government when rules are made under the Act. There was, however, a different method which was followed, I believe, in the Madras Presidency, and it was this, that instead of different ballot boxes, ballot papers, which had the figure of a lion, cow, buffalo or an ass printed on them instead of the name of the candidate. An illiterate voter had simply to select which of these he would like to vote for and did not stand in need of outside help or interference.

The suggestion made by the honourable mover, if accepted, would involve a large expenditure to the district boards, which having regard to their financial condition, they are at present unable to bear. I therefore oppose the amendment.

Pandit Birjnandan Prasad Misra: Will the Government have any objection if the candidates provide their own ballot boxes?

The Hon'ble Pandit Jagat Narayan: No. This can be done.

Pandit Nanak Chand: In view of the assurance that has been made by the Hon'ble Minister for Local Self-Government that the whole question will be considered when the rules are framed, I beg to withdraw my amendment.

The amendment was, by leave of the Council, withdrawn.

The motion that clause 11 do stand part was put and adopted.

CLAUSE 12 (1).

Mr. Zafar Husain: I beg to move that for the first paragraph of clause 12 substitute the following:—

"Subject to the exceptions stated in sub-section (2), a person shall not be eligible for election as a member of the board to represent a non-Muhammadan or Muhammadan constituency unless his name is registered on the general or Muslim electoral roll in the district, and he shall not be entitled to stand for election from more than one constituency."

[Mr. Zafar Husain.]

The difference between the amendment which I have moved and the amendment which is contained in the Bill is only slight. In the Bill as the clause is, a person enrolled as an elector in the general electoral roll shall be qualified for election in any circle in the tahsil, that is to say, any person who desires to stand as a candidate for election can only stand from one tahsil and not from any other tahsil. In the amendment which I have moved I desire that the person whose name is enrolled as an elector in any circle can make his own choice and stand for election not only from the tahsil in which he resides and in which he is enrolled as an elector, but from any other tahsil within the district. In the same way the latter portion of clause 12 as contained in the Bill is, that in the case of Muslim candidates any Muhammadan who is enrolled as an elector in the constituency can stand for election from within that constituency only, and not from another constituency in the district. The amendment which I have moved gives the same right to Muhammadans as is proposed to give to non-Muhammadans, that is to say, a Muhammadan can also stand from any constituency within the district in which he desires to stand for election. This has a precedent in the United Provinces Legislative Council Rules. In rule 6 it is provided that any person whose name is enrolled as an elector in a non-Muhammadan or a Muhammadan constituency can stand for election from any district within the province, that is to say, a person can stand for election from any district and not only from that district in which his name is entered as an elector. The other precedent can be taken from the Municipalities Bill, that is to say, any person whose name is enrolled in any ward can make his own choice and stand from any other ward, if he so desires. It is most inexpedient to restrict the choice of a person in this way who thinks that he has got the best chance of success from any other tahsil in which his name is not enrolled as an elector. If the person is best qualified, he can be elected from any place from which he elects to stand. But there may be an objection to this, that knowledge of local affairs is necessary. I think that every person who is a resident of the district can have a special knowledge of the local affairs of that district, and therefore I do not think that this objection is tenable. But I have also tried to maintain one other principle underlying the amendment which I have moved, that is to say, a person can make his own choice to stand for election from one constituency and not from any other. This is also the object of the original clause of the Bill. Therefore I submit that the amendment which I have moved should be accepted by the Council.

The Hon'ble Pandit Jagat Narayan: The only question involved in the amendment is as to whether the choice of the candidate should be restricted to one constituency or whether a man who is enrolled in any constituency in the district may be given a choice of selecting his own constituency. Government is neutral in this matter. It leaves the matter to the decision of the Council. I may inform the Council that this matter was discussed in the Select Committee and it arrived at a contrary conclusion. I think there is some misapprehension in the mind of the honourable member when he says that there is a distinction made between Hindus and Muhammadans.

Mr. Zafar Husain: I did not say that.

The Hon'ble Pandit Jagat Narayan: Very well. The difference in phraseology is due to the fact that as for every circle there will be a Hindu candidate and as the number of Muhammadan candidates was limited, it was decided that the constituency of a Muhammadan candidate should be one or two or more circles joined together, as has been done in the case of the Council elections.

Mr. Zafar Husain: I beg to withdraw my amendment.

The amendment was, by leave of the Council, withdrawn.

The motion that clause 12 (1) do stand part was put and adopted.

CLAUSE 12 (2).

Thakur Hanuman Singh: I rise to move that in clause 12, sub-clause (2), in the first line of (*a*) between the word "dismissed" and the word "from" insert the words "after criminal trial and conviction."

My reason in moving this amendment is that a Government servant is not always dismissed for such faults as may imply moral turpitude. Sometimes—I may say often—they are dismissed for paltry faults such as losing a file or absenting themselves from duty without leave, or for not passing a prescribed examination. Such instances might be multiplied, but for the sake of brevity I will cite only these three. Can anybody say that those who have been dismissed for such faults are unfit to be elected as members of district boards? Well, it may be said that there are some who are dismissed for very grave faults and who, if criminally prosecuted, might be sent to jail. I admit that. But the number of such dismissed men is too small, while of those who are dismissed for trifling faults is very large. I ask if it would be proper and just to deprive those who have been dismissed for such paltry faults of their right of being elected as members of the board.

With these few remarks, Sir, I commend my amendment for the acceptance of the House.

The Hon'ble Pandit Jagat Narayan: There are three possibilities: either a man is dismissed, or removed, or discharged. When a man is dismissed, it is for a more serious offence. What has been said by my friend is certainly true in a minority of cases; there can be no denying the fact. But my difficulty is that if the amendment is accepted, it will include a large number of cases where that right should be taken away. Everybody knows that in a majority of those cases, where corruption is practised, or where bribe is taken or something else is done—in more than 75 per cent. of cases—the man is not prosecuted at all.

Mr. Shakir Ali: 99 per cent.

The Hon'ble Pandit Jagat Narayan: In 99 per cent. of cases. The corrupt official is dismissed or fined. I may just read out to the House section 369 of the Manual of Government Orders (General Administration department):—"The distinction that exists between the removal or discharge, and the dismissal, of a public servant should be noted. Removal from office for such a cause as unfitness for the duties of the office need not usually entail any further consequences. It ought not to bar re-appointment to another office for the duties of which the person may be suited, and it should not be accompanied by any subsidiary orders which would operate as such a bar, or otherwise prejudice

[The Hon'ble Pandit Jagat Narayan.]

the person in question. Removal should be the penalty in all cases where it is not thought necessary to bar future re-appointment under the Government. In cases of dismissal on the other hand, the effect of the order should be to preclude the dismissed officer from being re-employed."

Therefore I can understand that, perhaps, in a few cases it would be hard on those who have been dismissed if this right is taken away from them; but as Mr. Shakir Ali has said it will be in 99 per cent. of cases where practically we will be giving this right to men who had the good fortune of not being prosecuted and sent to jail but were only dismissed or fined.

Mr. Shakir Ali: I stand to oppose the amendment. There are three stages of judicial separation from the Government service. The first is resignation, the second is discharge, and the third is dismissal. Undesirable persons are always asked to resign and of course they generally do so. Then there are those who are discharged because there is no need for their further services. These come in after the first category. In the third case they are dismissed, and the persons who are dismissed from the British Government service are very nearly all those who could be easily hanged for their past misdeeds.

Therefore, I think that the wording of the clause which has been embodied in the Bill is really the greatest safeguard which the gentlemen responsible for the drafting of the Bill could have taken against the influx of the worst type of undesirables into the district boards.

With these few words I oppose the motion.

Rai Thakur Mashal Singh Bahadur: I rise to support the amendment moved by my friend Thakur Hanuman Singh. It would mean a real hardship to these petty servants of Government such as patwaris and clerks who reside in the rural areas if we say that when they are dismissed for some fault of theirs they will not be eligible for election to district boards. When they are not exempted from paying the taxes which district boards impose and when they are not declared by any competent court to have done anything which involves moral turpitude, but are simply dismissed from Government service or district board service, I do not see any reason why they should be debarred from being elected as members of the district boards. Therefore I do not see any reason why the amendment suggested by my honourable friend should not be accepted by the House.

Thakur Hanuman Singh: I am sorry to say that the statement made by the Hon'ble the Minister for Local Self-Government has not convinced me. He says that Government servants who are dismissed are dismissed in most cases, or in a majority of cases, for corruption. It is not so. My experience points to the contrary. If they are dismissed for corruption I will be the first man to say that such men should not be allowed to enter district boards. There is nothing to find out what class of dismissed men should be excluded. If this section as it stands should be allowed to become law it will act as a great hardship on the majority of those who had the misfortune of being dismissed from Government service. I may add, Sir, that some of these, if elected as members of the district boards, may prove to be acquisitions to the boards on

account of the experience which they gained in Government service. They will be of great help to the boards instead of proving injurious to their interests. I would again request the Hon'ble the Minister to reconsider the opinion he has formed.

The Hon'ble Pandit Jagat Narayan : I leave the decision of the matter to the House.

The amendment was put and the Council divided as below :—

Ayes (11).

Chaudhri Sher Singh,
Chaudhri Sardar Singh,
Thakur Hanuman Singh,
Mahant Parmanand Gir,
Rai Indra Narayan,
Babu Chhail Bihari Kapur,
Thakur Prasidh Narayan Singh,
Rai Mashal Singh Bahadur,
Khan Bahadur Chaudhri Amir Hasan Khan,
Pandit Baijnath Misra,
Pandit Brijnandan Prasad Misra.

Noes (39).

Khan Bahadur Kunwar Inayat Ali Khan.
Pandit Iqbal Narayan Gurtu,
Pandit Hirday Nath Kunzru,
Mr. Ajodhya Das,
Pandit Soti Vishnu Swarup,
Rai Daya Shankar Sahib,
Lieut. Kunwar Nand Lal Rai Bahadur,
Babu Gur Sahai,
Pandit Balbhadra Prasad Tiwari,
Mr. R. Burn,
The Hon'ble Mr. C. Y. Chintamani,
Mr. Shakir Ali,
Nawabzada Muhammad Yusuf,
Mr. Zafar Husain,
Babu Gendan Lal,
Rai Gopal Das Sharma Sahib,
Rai Jodh Singh B. Negi Bahadur,
Mr. H. David,
Mr. H. W. Gill,
Qazi Muhammad Hashim,
Mr. F. F. Sladen,
Mr. H. M. Leake,
Lala Shadi Ram,
Lieut.-Colonel A. W. R. Cochrane,
Mr. A. W. Pim,
Mr. A. C. Verrières,
Mr. A. H. Mackenzie,
Mr. A. B. Reid,
Mr. G. B. F. Muir,
Mr. H. S. Crosthwaite,
Rai Vikramajit Singh Bahadur,
The Hon'ble Pandit Jagat Narayan,
Mr. S. H. Fremantle,
Mr. H. de L. Ross,
Mr. F. F. R. Channer,
Mr. G. B. Lambert,
Mr. L. S. White,
Mr. C. M. King,
Thakur Manak Singh.

The motion that article (*a*) of sub-clause (2) of clause 12 do stand part was then put and adopted,

Sub-clause (2) (*b*) and (*c*) were put separately and adopted.

Mr. Shakir Ali: I may invite the attention of the Hon'ble the Minister for Local Self-Government and say that the figure 25 is redundant in the wording of the sub-clause where it says "is disqualified under section 23, 25 or 32" because clause 9, sub-clause (*f*), very clearly says: "has been disqualified under section 25, and the period of disqualification has not expired". I mean that a person who is disqualified under section 25 will not be even an elector. If he is not an elector, how can he be a candidate?

The Hon'ble Pandit Jagat Narayan: I accept the amendment.

The Deputy President: Will the honourable member move an amendment?

Mr. Shakir Ali: I move that the figure 25 in sub-clause (2) (*d*) be deleted.

The amendment was put and adopted.

Sub-clause (*d*), as amended, was then put and adopted.

Sub-clauses (*e*) and (*f*) of clause 12 (2) were put separately and adopted.

Pandit Nanak Chand: I want to move that after sub-clause (*f*) a new sub-clause (*g*) be added. My amendment reads as follows:—

Substitute "or" for the colon at the end of (*f*) and add the following:—

'(*g*) is unable to read and write either English or one of the vernaculars of the province."

A similar provision has been accepted by this House for the Municipalities Act. I therefore do not want to labour my argument on this point. I think the House will accept this provision here also.

The Deputy President: The motion before the House is that after clause (*f*) of sub-clause (2) of clause 12 of the Bill the following be added as clause (*g*):—

"Is unable to read and write either English or one of the vernaculars of the province."

The Hon'ble Pandit Jagat Narayan: I do not oppose the motion.

The motion was put and adopted.

Rai Kunwar Parmanand Bahadur: Out of the two amendments which I wish to move, a similar amendment of my friend Pandit Nanak Chand has already been accepted and therefore the amendment standing in my name has become unnecessary.

I leave my second amendment for the consideration of the House. I have already spoken on it, but before it is put to the House and further discussion on it begins, I would, with your permission, like to make modifications in the figures. I would substitute "Rs. 100" for "Rs. 500", "Rs. 200" for "Rs. 150" and the last figure of Rs. 200 would remain as it stands at present. I may be permitted, Sir, to briefly explain why I wish to make these changes in the figures.

The Deputy President: What is the motion?

Rai Kunwar Parmanand Bahadur: The motion now is that the following be added as clause (*h*) of sub-clause (2) of clause 12 of the Bill :—

"Does not pay Rs. 100 per annum or more as Government revenue or a rent of Rs. 200 per annum or more, or an income-tax or tax on circumstances and property of Rs. 200 per annum or more."

The Deputy President: The proposal before the House is that Rai Kunwar Parmanand Bahadur wishes to move an amendment to sub-clause (2) of clause 12 by adding a clause (*h*) after (*g*) in the following words :—

(*h*) Does not pay Rs. 100 per annum or more as Government revenue or a rent of Rs. 200 per annum or more, or an income-tax or tax on circumstances and property of Rs. 200 per annum or more."

The original motion which was in the notice paper was—

"Pays Rs. 500 per annum or more as Government revenue or a rent of Rs. 150 per annum or more, or an income-tax or tax on circumstances and property of Rs. 200 per annum or more."

The honourable member wishes to move the motion on the notice-paper by substituting "100" for "500" in the first line and "200" for "150" in the second line. The question is whether he has the leave of the Council to move his motion as amended.

Pandit Nanak Chand: I object.

The Deputy President: (To Rai Kunwar Parmanand) Bahadur :—Do you wish to move your original motion ?

Rai Kunwar Parmanand Bahadur: Yes. I have already given my reasons for bringing forward this motion.

Rai Sita Ram Sahib: May I know what the motion now is before the House ?

The Deputy President: Rai Kunwar Parmanand Bahadur wants to add a clause (*h*) to clause (2) of clause 12 in the following words :—

"(*h*) Does not pay Rs. 500 per annum or more as Government revenue or a rent of Rs. 150 per annum or more, or an income-tax or tax on circumstances and property of Rs. 200 per annum or more.

Rai Kunwar Parmanand Bahadur: If I am not given permission to amend my motion, it could not be brought in the form in which I originally put it under clause 12 unless verbal changes are allowed to be made.

The Deputy President: For "pays" the words "does not pay" are proposed.

Rai Kunwar Parmanand Bahadur: The difficulty would arise further on.

Pandit Brijnandan Prasad Misra: I rise to a point of order, Sir. Is the honourable member in order at all in moving an amendment to his own motion ?

The Deputy President: That point has been dealt with. Now the honourable member is to move his original motion.

Rai Vikramajit Singh Bahadur: The original motion does not fit in.

Rai Kunwar Parmanand Bahadur: The motion which I now put forward is to add a clause (*h*) to sub-clause 2 of clause 12 in the following words :—

> "(*h*) does not pay Rs. 500 per annum or more as Government revenue or a rent of Rs. 150 per annum or more or an income-tax or tax on circumstances and property of Rs. 200 per annum or more."

The reason for this motion I have already stated briefly and I do not wish to repeat them.

Mr. G. B. F. Muir: I move an amendment to the motion which has just been moved. I move that for the figure "500" the figure "100" be substituted and that for "150" the figure "200" be substituted.

The Deputy President: Is there any objection?

Several honourable members: We object.

Mr. G. B. F. Muir: Am I not in order in moving the amendment?

The Deputy President: The honourable member can move his amendment.

The Hon'ble Pandit Jagat Narayan: I may inform the Deputy President that it is not a Government amendment. It is not an amendment which I am proposing on behalf of the Government.

The Hon'ble Mr. C. Y. Chintamani: If it is not a Government amendment, the amendment of Rai Bahadur Kunwar Parmanand has been on the order paper for several days and Mr. Muir had every opportunity of giving due notice of his amendment. According to the Standing Orders and Rules, when he has not chosen to do so and certain members object to the amendment being moved without notice, is it permissible?

The Deputy President: I have allowed Mr. Muir to move his amendment.

The Hon'ble Mr. C. Y. Chintamani: Have you suspended the standing orders?

The Deputy President: Yes, I have.

Mr. G. B. F. Muir: I have no wish to advance any arguments in support of my amendment.

Pandit Iqbal Narayan Gurtu: I rise to oppose the amendment moved by my honourable friend, Kunwar Parmanand, and also the amendment moved by Mr. Muir.

Rai Kunwar Parmanand Bahadur: I accept the amendment of Mr. Muir to my amendment.

The Deputy President: It is for the Council to accept it and not for the honourable member.

Pandit Iqbal Narayan Gurtu: The arguments which my honourable friend advanced in support of his amendment were that there must be a clear distinction between the qualifications of electors and of candidates and he emphasized the fact that property qualification should be the chief qualification for a candidate. His idea seems to be that the higher the property qualification fixed for a candidate the higher would be his social status, and it is expected that if candidates of a higher social status would stand, then the members of the board will show greater efficiency. In his opinion the very fact that the candidates belonged to higher social status will guarantee that they will be more efficient in the art of Government.

Rai Kunwar Parmanand Bahadur: I rise to a point of order. I did not say this. This was not exactly as I put it.

Pandit Iqbal Narayan Gurtu: I beg the honourable member's pardon. He did say that it was desirable that men of higher social status should be in the Boards, and I think that the object of that suggestion was that the efficiency of administration of the Boards should not suffer. He was aware of the fact that there was no such distinction for electors and candidates for the Legislative Council. He thus felt driven to the necessity of making out a case why an exception should be made in the case of District Boards, and he said that the functions of the Legislative Council were different. Here you could have men of a lower social status, but the conditions . . .

Rai Kunwar Parmanand Bahadur: Sir, I again rise to a point of order. I did not say so.

The Hon'ble Mr. C. Y. Chintamani: Will the honourable member again repeat the substance of what he said, so that there may be no further misunderstanding?

Rai Kunwar Parmanand Bahadur: I did not say that social status alone or by itself determines qualifications of all capability. What I did say was that a person who has more opportunities of coming in contact with the world, a person who has more opportunities of knowing the needs of the people, and a person who in the ordinary course of business acquires the knowledge of administration would be a more efficient member, and a person who has little or no property is less likely to have such opportunities than those who have.

Pandit Iqbal Narayan Gurtu: I am very glad that the honourable member has made that long explanation. It bears out completely the conclusions that I had drawn from his previous speech. He himself now says that men of higher social status would be more efficient. More efficient in what if not, in the administration of the district boards? I was not using his words; I was trying to place before the Council the effect and the general run of his argument. He did undoubtedly mean that, if men of comparatively lower social status came and sat in the Legislative Council, the work of administration would not suffer, but if they came and sat in the district boards it was more likely to suffer, because of the peculiar conditions that prevailed in the districts. I propose to meet all these points one by one, but before I do that I would like to draw the attention of this House to the fact that when we turn to other countries we find that the experience of those countries

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has been quite different. In England, for instance, we find that whenever Parliamentary franchise has been widened the one necessary result of that has been that the franchise of the local bodies has also been widened. Take for instance the Reforms Act of 1832 which introduced a very great reform in England. Soon after the reform of the Parliamentary franchise of 1832 we find an important Bill was introduced in the House of Commons in 1835 by which the franchise in the Municipal Corporations was considerably widened. In the Bill, as it was passed then in the House of Commons, the distinction between the qualifications of the electors and the candidates was entirely removed, but as was expected, it was modified in the House of Lords. The House of Lords insisted, as my honourable friend is insisting to day—true to the traditions of aristocracy—that the qualifications of the candidates must be higher. It is true that the Municipal Corporation Act was modified by the House of Lords, but soon after those provisions were modified, and today we find that it is an accepted principle in England that there should be absolutely no distinction between the qualifications of the electors and the candidates. That principle is not only confined to the Parliament itself, but you find that that principle has been carried right down to the smallest local body. You find it carried in the municipalities that are called the Boroughs and you find it carried in the County Councils, the Parish Councils and the District Councils. You find that there is absolutely no distinction in qualifications for an elector or a candidate. Confining ourselves to the franchise as introduced by the Reforms Act of 1919 in India we find that there is no distinction now between the qualifications of an elector and of a candidate for the Council. Why should we now go back in the case of district board and introduce that restriction? Then again, hardly two or three days have passed when this very Council, in the case of Municipal Boards, when the Bill as amended by my honourable friend Pandit Nanak Chand was before the House, accepted the principle that there should be absolutely no difference between the qualifications of an elector and of a candidate. So that the position is this. In our province for the Council as well as for the municipalities, there is no such distinction. But now my honourable friend comes forward and wants that there should be this restriction placed in the case of district boards. And on what ground does he base his argument? He says property should be the chief, if not the sole, qualification. I will not enter into that question, which was discussed at length yesterday, as to whether property qualification should or should not be the sole qualification, but I wish just to draw the attention of the honourable members to the remark made by the honourable Kunwar Sahib when he said that if we have higher property qualification we shall have men of higher social status who will be able to carry on the work of district boards more efficiently. I concede, Sir, that men of higher social status, being men of culture and generally men of education also, are in a position where they have more experience of the affairs of the world. A man who is less educated or who belongs to a comparatively lower social status is more inexperienced. But my submission is that if you allow a chance to men of lower social status to get a training in the art of Government, the experience of other parts of the world clearly shows that in a short time even men of lower social status get trained and become efficient in the art of administration. That is the very principle, the root principle, of

democracy. Give more and still more opportunities to the people so that they may be trained in the art of Government so that after a time the whole nation may develop its political instinct. That is the only way in which the political instinct of a nation can be developed. But my honourable friend aims in a different direction. He aims at narrowing the franchise. He aims at confining the training in the art of Government to only a select few. Those of us who believe in the principle of democracy, want that as time goes on our people should get more and more opportunities for being trained in the art of Government. We are anxious that the political instinct in this country also may be developed to the same level as it has developed in other countries, and therefore we feel bound to oppose the amendment. The honourable member pointed out that it did not very much matter in the Legislative Council if men of lower social status and lesser training in the art of Government came in, but it will lead to a catastrophe if they get into district boards. My submission is that it is less dangerous to allow people of lesser experience and training to work in local bodies than it would be if you allow them in higher bodies which have to deal with the higher functions of Government. In local bodies the functions are comparatively of lesser importance and then again there is the control of the Central Government. If they ever go wrong the Central Government, the Local Government here, with its greater knowledge of principles as well as of details of administration, is always there to pull the local bodies up. So that if men of lesser experience get into these local bodies, and if on account of them for some time there is a fear of the efficiency of the administration being lowered, there is always the control of this Council and of the Local Government behind it to save the local bodies from such a crisis... Therefore it would be less dangerous to allow that experiment in local bodies than it would be if it were allowed in the higher bodies where more important functions of Government are carried on. There is another advantage in giving more opportunities to the local people to come in touch with local administration. They understand more the needs of the local bodies. It is true that local opinion comparatively is of an inferior type; but, as I have said, there is the safeguard of the Central Government standing behind it. The fears which my honourable friend has in his mind are much too magnified. I would make an appeal to my friend and to those who think like him that their real fear, that if the franchise is widened power will go out of the hands of a particular class, which has carried the day so far. . . .

Rai Kunwar Parmanand Bahadur: I did not mean that.

Pandit Iqbal Narayan Gurtu: I am very glad that my honourable friend is an exception to his class. But if there are others who think like that, I would like them to study the conditions that obtain in the western countries.

In spite of the fact that the franchise has been so much widened there, in spite of the fact that there is universal household suffrage, you do not find in the County Councils or the boroughs or the Parliament people of lower social status monopolizing all these bodies. You find people of wealth and education also there. Even now it has not been possible for Labour, with all the advantages of votes at its command, to have a majority in the Parliament or even in the County Councils, Honourable members must have been reading the news we have been

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getting from England lately. Labour has lost considerably in elections on local bodies. So that if the fear is that with the incorporation of this section local bodies would be swamped by riffraff and men of lower social status, I would submit that our friends need not have that fear. If there is a desire to serve honestly one's community, whether it be in a man of wealth, or of education, or in one who has power, his services will always be required. If men of position and wealth in the district will give more of their time and attention to the improvement of the conditions in the district, they should have absolutely no fear that people would not appreciate their work and that they would not be returned to the district boards. Now that the Government are anxious to democratize the constitution of our local bodies, because we want our people to get early training in self-government, I think it would be disastrous if we by our votes should throw it out. We shall have then no reason to say that Government has not given us any opportunity for self-government. It is we who will be blamed by the public for having opposed a useful measure which the Government wanted to introduce. On these grounds I oppose the motion.

The Hon'ble Pandit Jagat Narayan: In addition to the grounds which have been put forward by the previous speakers, I would draw the attention of the House to the fact that if they accept the first part of the amendment, a large number of persons will be prevented from being candidates. With regard to the second part of the amendment, my submission is that my friend by one stroke of the pen wishes to disenfranchise every *mahajin* and banker except a big taluqdar, because a tax of Rs. 200 per annum means that a person must earn an income of Rs. 9,600, and if he does not, he should not be allowed to be a candidate. Apart from this, my special reason for opposing this amendment is that yesterday in spite of my opposition an amendment to give right of voting on educational qualifications was passed by the Council. The reason given was that educated men, although they did not come under any of the qualifying classes prescribed under the Act, would by their intelligence and brain be able to help the administration of the District Board. That being the decision arrived at by the Council, I do not think it is proper for me to accept this amendment, and I accordingly oppose it.

The Council adjourned at this stage for lunch.

After the adjournment the Hon'ble the President resumed the chair.

Mr. G. B. F. Muir: With the permission of the Hon'ble Minister I withdraw my amendment to the amendment moved by Rai Bahadur Kunwar Parmanand.

The amendment was, by leave of the Council, withdrawn.

Rai Kunwar Parmanand Bahadur: The Council having refused to allow me permission to amend the figures in my amendment, and Mr. Muir having withdrawn the amendment to my amendment, I have no option left now but to withdraw my amendment.

The amendment was, by leave of the Council, withdrawn.

CLAUSE 12: PROVISO.

Mr. Zafar Husain: I beg to move that in the proviso for the letters and words "(*a*), (*b*) and (*d*)," substitute the letters and words "(*a*), (*b*)

and (*f*)" and omit the following words "and ..... behalf." Honourable members will see that the proviso to item (*f*), sub-clause (2) of clause 12, has been inserted anew in this Bill by the Select Committee. The whole clause has been borrowed from section 16 of the Municipalities Act, but this item (*f*) is quite new in this Bill. The other disqualifications namely (*a*), (*b*) and (*d*) in sub-clause (2) are to be removed by an order of the Local Government. I fail to understand how the disqualification under item (*f*) is meant to be removed by an order of the Commissioner in this behalf. It seems to me that it is quite improper to extend the authority of the Commissioner in this respect, because the fate of the Commissioner still hangs in the balance. Government have made definite pronouncements from time to time that the boards are becoming independent, and that they are giving the boards as much freedom as is possible. I challenge the Hon'ble the Minister for Local Self-Government to state under what sections the powers and authority of the boards have been made independent of official control in internal and external matters, except under the section relating to "taxation" and one or two more sections of minor importance. But in all cases the official control has been retained, as it was already retained under the District Boards Act and under the Municipalities Act. There is also a very strange case under this Bill and it is this; that the powers of the Commissioners have been extended to the extent in which the sections under this Bill have been numerically increased as compared with the sections in the old District Boards Bill. The Commissioners are still the dominating authorities and their powers are proposed to be increased under this Bill. I fail to understand why such restrictions are proposed to be imposed on the liberty of the boards, when it is proposed that the boards should be independent of all Government grants and shall have to depend on their own resources.

Under these circumstances it is but meet that official control should also be relaxed and not that Commissioners and Collectors should be made the dominating figures in this Bill as they have always been up to this time. But if that be the position; that is to say if Government oppose this amendment and intend that the authority of the Commissioners and Collectors should be left intact I shall have to proclaim that the boards are not made as free and independent as it is pretended by Government to make them.

With these remarks I commend my motion for the acceptance of this Council.

The Hon'ble Pandit Jagat Narayan: I assure the honourable members of this House that the powers which have been conferred by this Act on the Commissioners, will not in any way prejudice the question of the abolition or reduction of the Commissioners. Because if any other authority is to exercise the power, in case the Commissionerships are abolished, an amending Bill can very easily be placed before the Council to amend the various clauses where the word 'Commissioner' appears. Therefore, when the honourable members of this Council consider this question, they should not be influenced by the consideration of the question of the future reduction or abolition of the Commissioners.

My friend has pointed out that in the present District Board Bill the power of external control to be exercised by the Government has not been relaxed at all. At this stage I do not think it is necessary to enter into a

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general argument on this point. I will refer my honourable friends to the speech which I made when I moved that the Bill be referred to the Select Committee, where I fully discussed the question of external control. As the honourable members of this House are aware, a special committee was appointed to go into this question, and the representative of this province was Mr. Sim. They were sent to England. The committee investigated the question in order to find out what was the amount of control exercised in England by the Government over the local authorities. The unanimous report of that committee was that the amount of control exercised there in certain respects was much stricter and much wider than that exercised by the Government over the local bodies here. I submit that it is necessary that this power should be exercised by the Commissioner under certain circumstances. In the first place it is absolutely impossible that all these matters over which the jurisdiction of the Commissioner has been extended, can be decided by the Secretary in the Local Self-Government department or by the Minister in charge. The work will be increased so much that it will be impossible for them to do this work. In the second place, I would like to point out to the Council that I have had experience of the control exercised by the Commissioner over the municipalities and district boards during the last 22 months and I will be failing in my duty if I do not publicly acknowledge that I am extremely grateful to them for the useful advice which they have given me in every matter that was referred to them. No doubt there were differences of opinion; such differences will always occur; but neither from my experience from inside the Government nor from my experience as Chairman or Vice-Chairman of a municipal board, am I prepared to admit that the control and supervision exercised by the Commissioners as a whole was in any way detrimental to the growth of local self-government in these provinces. Rather, on the other hand, I have to admit that, at least in the case of a large number of local bodies, the control exercised has put those bodies in the right path, otherwise I do not know what might have happened to them. Against the promise that I made in the beginning, I have made this long speech because the honourable members will find that throughout this Bill—almost under every section, where the word 'Commissioner' appears—amendments are going to be moved for the deletion of that word with a view that the exercise of the power of supervision be entrusted to some other authority; and I wish once for all to place my views before the Council. My views are that Government cannot divest itself of the minimum control that has been prescribed by this Act. A large number of the duties to be performed are duties of a national or semi-national character, and these bodies,—i.e., the municipalities and district boards—do exercise delegated powers. It is the duty of the Government to see that these local bodies are performing their duties, which are of a national or semi-national character, properly and efficiently. It is up to Government to intervene in cases of gross neglect or default; and Commissioners, as representing the Government, are entrusted with this power. In cases of gross neglect or default the only screw which can be applied by the Government is the discontinuance of the grant. The Government will be paying more than two-thirds of the expenditure on education. During the last year the Government has given about 66 lakhs to the district boards. Under no circumstances is the

Government prepared to give up this power of control by means of a supervising staff over the district bodies. Government does not divest itself of its duty to see that proper arrangements are made for sanitation, that proper arrangements are made for medical aid, that proper arrangements are made for the health of the citizens. I challenge my friend to produce a single Act, either in the Punjab, or Calcutta, or Bombay, or Madras, or the Central Provinces, or Bihar and Orissa, where he can show that the Municipalities Act or the District Boards Act is as liberal as the Municipalities Act of 1916 or the present Bill. I am not referring to the Acts which are either on the anvil or which have recently been passed. Similarly take the District Boards Bill. Compare it with the Acts of any other province and I challenge him to show whether this is not very liberal, whether it has not reduced external control to the very minimum. I once for all say that the Government is not prepared to reduce that minimum any further. No doubt if the Commissionerships are abolished either the Minister will have to do this work, or there might be some other officer who will be put in charge of this work, because it will be superhuman on the part of the Minister to carry on this work of supervision and control at present performed by the district officer and the Commissioner. I have explained the position of the Government. If my honourable friends will read the sections of the Bill they will find that the district boards have now got the power of framing their own budgets; they can employ their own servants; they can impose taxation themselves. There will be no interference with the curricula which is prescribed for their primary schools. Only in the case of a few servants who are either experts or highly paid it is laid down that the sanction of the Government should be obtained. The only possible way in which they can get the help and service of those experts is through the Government. They are Government servants and their services are lent to the district boards and municipalities. I am sure that none of these persons will be prepared to accept service under the municipality or district board unless and until there is some provision which assures them that in case they are dismissed, or in case they are fined, or in case they are censured, there will be a right of appeal to the Government.

Take the case of Germany. You will be surprised to find that the control exercised there is ten times more than is contemplated by this Act. Take the case of England, there the control was exercised by the Board of Education or the Board of Public Health. This amendment by itself is not very important, but it is the beginning of all those subsequent amendments where it is sought that the word "Commissioner" should be replaced by the words "Local Government". With these remarks I leave this amendment in the hands of the honourable members of the Council.

Mr. Shakir Ali: I am sorry that the learned speech of the Hon'ble Minister has not convinced me. I find that paragraphs (*a*), (*b*), (*e*) of subclause (2) are of a general nature and (*c*) and (*d*) are practically the same and of a particular nature. Paragraph (*c*) lays down "holds any place of profit in the gift, disposal, pay or service of the Board"; and (*f*) lays down "holds directly or indirectly or by a partner, any share or interest in any contract or employment with, by or on behalf of the board." These two paragraphs, as I have said, go hand in hand; and I am at a loss to understand if (*e*) has not been considered any disqualification

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at all which may be removed—because I find (*c*) is not included in the proviso—why (*f*) should be considered any disqualification at all. Therefore, my submission is that either (*c*) should be incorporated with (*f*) or it should be laid down that the disqualification may be removed by the Commissioner or we should do away with this disqualification. The section as it stands seems inconsistent.

Pandit Baijnath Misra: If I have rightly understood the honourable mover of this amendment his meaning is that there is no objection to the power under this proviso being exercised by an authority outside the district board; he means only to say that it should not be exercised by the Commissioner though it may be exercised by the Local Government. But I think, Sir, that the power which is provided to be exercised by the Commissioner under this proviso, viz. clause (*f*) of this section, can be better exercised only by the Commissioner and not by the Local Government. The powers that are provided to be exercised by the Local Government under other sub-clauses of this section are of a general nature. If I may borrow legal phraseology, in clauses (*a*), (*b*) and (*d*) where power is to be exercised by the Local Government, it is a question of law that has to be decided, while in the case of clause (*f*) it is a question of fact that has to be decided. It has to be seen whether a man to whom exemption is to be given holds directly or even indirectly or by partner any share or interest in any contract or employment with, by or on behalf of the board or not. Now this requires some investigation and inquiry on the part of the authority which has to exempt that particular person. The Commissioner would certainly be in a better position to make that investigation and inquiry than the Local Government. Even for the man who tries to have that exemption it will be easier to approach the Commissioner than the Local Government. I think that if the honourable mover of the amendment takes this aspect of the question into consideration he may see his way to withdraw the amendment.

Pandit Brijnandan Prasad Misra: I am very sorry that in spite of the similarity which my name and the name of the previous speaker bear to each other we differ so much in our views. The Hon'ble the Minister for Local Self-Government has already said that this clause, by itself, may be taken to be something like the thin end of the wedge and is a matter of principle which has to be discussed in connection with this thin end. I think that I may therefore express my own views also in respect of this question so that there may not be any necessity for me to speak upon any other motion of the same nature in future.

I am very sorry that I have not been able to find myself in agreement with the Hon'ble Minister, although I hold with him that it is necessary that the Government should have a control over these local bodies. The Hon'ble Minister seems to have forgotten the difference between the transferred government and reserved government. The subject being a transferred subject, the local bodies being a transferred subject—the question should not have been retransferred to officers who belong to the reserved subject. If the Minister himself or any other subordinate of the Minister of the transferred subject had been given the power there would have been no objection. But the power is being transferred by this proviso to the Commissioner who belongs to the

reserved subject and who would necessarily make matters just as bad as they were before and which are sought to be removed by the present legislation. If the matter is left to the Commissioner to be controlled, the control will be exercised in almost the same way as it has been exercised in the past and the complaint that the official control has led to the failure of the boards would continue as it did in the past.

As regards the present section under consideration I may say that one of the reasons that have been stated by the Hon'ble Minister for opposing the present amendment was that the Minister himself or the Government has got so much business to do that it will be practically impossible for him to dispose of the business that would come before him in connection with sub-clause (*f*). Now in answer to that what I have to say is that if the Government has got the time to dispose of the business coming under sub-clauses, (*a*) (*b*) and (*d*) there is absolutely no reason why the business in connection with (*f*) also should not be disposed of by them.

Another point I wish to submit for the consideration of the Minister is that this disqualification is sought to be removed by the Commissioner. Just as I said yesterday everybody will repose more confidence in the Minister, and justly too. Of course it is very hard to repose the same confidence in the Commissioner. Toadies and flunkeys cannot succeed with the Minister. But it cannot be supposed that they cannot succeed with the Commissioner also. Persons who may be holding places of profit, etc., under the district boards, if they happen to be wealthy and of some local repute, would very easily approach the Commissioner and even though their interests may be indissolubly mixed up with the interests of the Board the principal consideration would be thrown off by the Commissioner and permission will be granted. Thus the disqualification would be removed in their cases. On the other hand if there is any other person who is not to be in the good books of the local officer a demi-official letter would proceed from the district officer to the Commissioner stating that the disqualification of such and such a person should not be removed. The result would be that even though the interests of such person are not of the nature that should prohibit him from coming into the board, his disqualification will not be removed. For these reasons I support the amendment.

Mr. Zafar Husain: I quite agree with the Hon'ble Minister when he says that some sort of control must be retained over local bodies. When a separate department for Local Self-Government has been established, I think all the affairs of local bodies should be directly controlled by the Minister of Local Self-Government and not by the Commissioner whom I may safely characterise as a mere post office between the Government and the local bodies. In many matters, as we have seen in the past, reports are submitted by local bodies to Commissioners who in their turn are required to submit the reports to Government and in this process a very considerable amount of delay occurs. The Hon'ble Minister says that if in all clauses where the word "Commissioner" occurs, the expression "Local Government" were substituted, that would impose a very considerable amount of work on the Government. I think this argument is quite untenable, as the Minister of Local Self-Government has got several Secretaries and they can do the work as ably as a Commissioner, because they will do the work not independently but after

[Mr. Zafar Husain.]

consulting each other and finally the Hon'ble Minister himself. In these circumstances I do not think it is at all necessary for me to say any more on the point, and as the Hon'ble Minister himself has characterized my amendment as "an amendment of innocent nature", I do not see any difficulty in the acceptance of it by the House.

The Hon'ble Pandit Jagat Narayan: I will be very brief. A question has been put to me by Mr. Shakir Ali. He will see that in order to pass an order in respect to clause (*f*), a local inquiry is necessary; while so far as clauses (*a*), (*b*), (*c*), (*d*) and (*e*) are concerned, no local inquiry is necessary and therefore the Local Government can pass orders. It cannot be expected that whenever such a case arises an officer of the Government or the Minister himself should go down to make inquiry and take evidence and then to arrive at a decision. So far as clause (*c*) is concerned, up to this time it was an accepted principle that in no circumstances a person, who is a servant of the board, should be allowed to be a member of the board and I think this was a sound principle. So far as leases and other matters are concerned, he will find that there are big *mahajan* families and big firms the members of which do share in contracts given by the boards. I will give the honourable mover an example. Take, for instance, the case of the Newal Kishore Press. There is hardly a single book which is taught in district board or municipal schools which is not a publication of that press. Will that be any just reason for the owner of that firm or any member of that firm to be deprived from being a member of a municipality or district board? Therefore this proviso was specially meant for such cases where there was no reason to suspect that that member would be dishonest in the discharge of his duties by having a share in the contract.

Now with regard to the objection of my honourable friend Pandit Brijnandan Prasad Misra, I have only to say that it is not only in the department of Local Self-Government but also in every other transferred department that the work is done by the members of the Imperial Services: take, for instance, the department of Public Health, Medical department, Registration department, etc. All these departments have superior officers who belong to the reserved departments in one way or the other. Therefore there is no reason why this work should not be entrusted to Commissioners unless and until this House is in possession of sufficient funds for creating a new service for every transferred department.

Then I do not admit the insinuation that was made by Pandit Brijnandan Prasad that the powers entrusted to the Commissioners under the Municipalities Act or under the District Boards Act are generally abused. I can say this from my personal experience. There might be individual cases in which in the opinion of some people the power was abused, but I can say from personal knowledge, that generally speaking the Commissioners have not in any way abused their powers or retarded the progress of Local Self-Government. I may possibly be able to carry on this work if I am supplied with a large office and with a larger number of Secretaries. It was stated by Mr. Zafar Husain that I have got several Secretaries and that those Secretaries could do that work. But he will be surprised to know that I have not got even one Secretary

Even the Secretary whom I have got is called the Revenue Secretary. He has to do the work of the Revenue department, of the Local Self-Government department and of the Medical and Public Health departments. I can assure my honourable friend that he is a most heavily worked officer. Therefore if all those powers which are entrusted by this Bill to the Commissioners are going to be transferred to the Minister or to the Secretary, Local Self-Government department, it would be absolutely impossible for him either to exercise any control or to discharge those duties satisfactorily. I think I have sufficiently answered the objection of my honourable friend, Mr. Shakir Ali. I would therefore request my honourable friend, Mr. Zafar Husain, to withdraw his amendment and all his future amendments of the same nature.

The Hon'ble the President: The question is that in the proviso to sub-clause (2) of clause 12 for the letters and word "(*a*), (*b*) and (*d*)" the following be substituted:—

"(*a*), (*b*), (*d*) and (*f*)"

The motion is the first part of the motion in the Order paper that for "(*a*), (*b*) and (*d*)" the letters and word "(*a*), (*b*), (*d*) and (*f*)" be substituted. I put in that form as there is a motion also in the name of the Hon'ble Minister for Local Self-Government. If this motion is carried, the Hon'ble Minister's motion cannot be moved, but if this motion is not carried, the Hon'ble Minister's motion can be moved.

The Hon'ble Pandit Jagat Narayan: Consequently those who are against Mr. Zafar Husain's motion should say "No"?

The Hon'ble the President: Yes.

The motion was put and the Council divided as below:—

Ayes (5).

Mr. Zafar Husain,
Munshi Ata-at-mand Khan Mujibee,
Mr. Jafer Hosain,
Pandit Brijnandan Prasad Misra,
Pandit Balbhadra Prasad Tiwari.

Noes (51).

Mr. H. M. Leake,
Mr. F. F. R. Channer,
Mr. H. de L. Ross,
Mr. C. M. King,
Lt.-Col. A. W. R. Cochrane,
Mr. A. W. Pim,
Mr. S. H. Fremantle,
Babu Gendan Lal,
Rai Gopal Das Sharma Sahib,
Mr. Shakir Ali,
Mr. A. C. Verrières,
Mr. F. F. Sladen,
The Hon'ble Mr. C. Y. Chintamani,
Rai Daya Shankar Sahib,
Lt. Rai Kunwar Nand Lal Bahadur,
Pandit Iqbal Narayan Gurtu,
Pandit Hirday Nath Kunzru,
Mr. Ajodhya Das,
Pandit Gokaran Nath Misra,
Pandit Nanak Chand,
Pandit Soti Vishnu Swarup,
Rai Vikramajit Singh Bahadur,

Ayes (5).

Noes (51).

Rai Sita Ram Sahib,
Khan Bahadur Mr. Muhammad Ismail,
Pandit Baijnath Misra,
The Hon'ble Pandit Jagat Narayan,
Mr. A. B. Reid,
Mr. A. H. Mackenzie,
Mr. G. B. F. Muir,
Mr. G. B. Lambert,
Mr. H. S. Crosthwaite,
Mr. R. Burn,
Mr. L. S. White,
Kunwar Jagdish Prasad,
Lt. Raja Hukm Tej Partab Singh,
Thakur Manak Singh,
Pandit Govind Sahai Sharma,
Rai Sheo Charan Lal Sahib,
Rao Sheo Dhyan Singh Sahib,
Lala Shadi Ram,
Chaudhri Sher Singh,
Rai Rajeshwar Bali,
Rai Kunwar Dillipat Shah, Bahadur
Thakur Hanuman Singh,
Rai Man Singh Bahadur,
Mahant Parmanand Gir,
Mr. H. David,
Rai Jodh Singh B. Negi Bahadur,
Rai Mashal Singh Bahadur,
Thakur Parsidh Narayan Singh,
Rai Indra Narayan.

The amendment was therefore negatived.

Mr. G. B. F. Muir: I move that in the proviso to sub-clause (2) of clause 12 for the letters and word "(*a*), (*b*) and (*d*)" be substituted the letters and word "(*a*) and (*b*)". If the honourable members will refer to (*d*) they will find that it refers to section 23 or 32. Section 32 is already self-contained; it provides for removal of disqualification; and it is the intention to move an amendment to section 23 permitting the removal of disqualification under that section. It is considered preferable to provide these in the sections themselves rather than here and for that reason the omission of the reference to (*d*) is proposed.

The motion was put and adopted.

The Hon'ble the President: The second part of motion No. 79 standing in the name of Mr. Zafar Husain falls.

The motion that the proviso to sub-clause (2) of clause 12 as amended do stand part was put and adopted.

All the amendments to clause 12 having been disposed of, the motion that clause 12 as amended do stand part was put and adopted.

Mr. G. B. F. Muir: I move that the following be substituted for clause 13 :—

> "No person shall be disqualified on the ground of sex for being an elector or for being elected or nominated as a member of a board"

and that the following marginal note be substituted for the existing marginal note

> "Prohibition of disqualification of electors and members on ground of sex."

The clause which it is proposed to substitute is intended to have exactly the same effect as the existing clause; but the latter contains a definition, and definitions are always dangerous. It also might possibly be interpreted as meaning that the word "person" in sections other than sections 8 to 12 did not mean a human being of either sex. The object of the clause is simply to make it clear that there shall be no sex disqualification, and the clause which I have moved says so in a straightforward fashion

The motion that clause 13 of the Bill do stand part was put and negatived.

The motion the that amendment proposed be substituted in place of the present clause 13 was put and adopted.

CLAUSE 14.

Pandit Gokaran Nath Misra: I rise to move that after the word "individuals" the words "or of proprietors, under-proprietors or tenants owning or holding land jointly" be inserted. I should like to explain in very few words the reason why I have made this motion before the House. If the honourable members will be pleased to turn to section 8, they will find in sub-clause 1 (*a*) a reference made to such of the proprietors as will be entitled to vote. The following description of proprietors is given as entitled to be recorded as electors.

"Every proprietor of land which is assessed to land revenue amounting to rupees twenty-five or more per annum exclusive of cesses."

This of course has been modified verbally in accordance with a motion which was put before the House. Then in sub-clause (2) (*b*) which was the original sub-clause (*a*), it is stated:—"Every tenant and every under-proprietor of land in the rural area in respect of which rent amounting to rupees fifty or more per annum is payable". The honourable members will be pleased to see that in the case of proprietors, under-proprietors and also tenants there is just a little bit of confusion which may arise in case no provision is made for the representation of such of the proprietors, under-proprietors and tenants who hold a particular land jointly. Supposing there are two proprietors who are the owners of a share in a village who pay Government revenue to the extent of Rs. 25 and they do not constitute a joint family. They only own the thing jointly, which will be found to be generally in the case of the Muhammadans and in the case other people as well. Similarly in the case of tenants it usually happens that in the khatauni the names of 2 or 3 tenants are put down as cultivating a particular holding. Similarly in the province of Oudh there are several khatas where several under-proprietors hold the land jointly. Now the confusion which may

[Pandit Gokaran Nath Misra.]

possibly arise is that it may be said that those clauses which refer to proprietors and tenants only provide for cases where the land or the holding is owned or held by those proprietors, or under-proprietors or tenants individually and in case those lands are held or owned jointly then it may be said that those clauses do not cover those cases. In order that such people may not be deprived of the vote to which they are legitimately entitled I have suggested that the rules which will be framed under section 14 with regard to matters contained in sections 8 to 13 should also provide that in the case of such proprietors, under-proprietors and tenants who hold jointly or cultivate land jointly, provision ought to be made that such joint persons should be able to elect or select one of their representatives whose name should be added to the electoral roll. This position has already been conceded in the case of managers or representatives of an undivided family. It has also been conceded in the case of a company or firm or other associations or bodies of individuals, and I think it is but fair and proper that this position should also be conceded in the case of persons who own or hold land jointly. It does not involve any question of change of principle, but it is only intended to clear up a misapprehension or confusion which is likely to arise if these words are not added.

The Hon'ble Pandit Jagat Narayan: I accept the amendment.

The amendment was put and adopted.

The motion that clause 14, as amended, do stand part was put and adopted.

CLAUSE 15.

The motion that clause 15 do stand part was put and adopted.

CLAUSE 16.

The motion that clause 16 do stand part was put and adopted.

CLAUSE 17.

The motion that clause 17 do stand part was put and adopted.

CLAUSE 18.

Mr. Zafar Husain: I beg to move that in clause 18, sub-clause (1) for the words "heard by the Commissioner of the division" substitute the following :—

"Presented to and heard by the District Judge of the district".

In support of this amendment I shall only say a very few words. The District Judge is the highest judicial authority in the district, and if this work is transferred to him, it will not entail much work on him He lives in the same district and the appellants will have no difficulty in approaching him, and thus the work will be quickly disposed of The jurisdiction of the District Judge comprises one and more districts. Therefore, the term "district" in this amendment is quite proper. I submit that the Commissioner is not the proper authority for hearing election petitions.

The District Judge, as a matter of fact, carries with him a good deal of experience of judicial affairs. With these words I commend the amendment to this House.

Pandit Nanak Chand: I would like to amend the amendment moved by Mr. Zafar Husain as follows:—

"For the words of the district" substitute the words "within whose jurisdiction."

The Hon'ble Pandit Jagat Narayan: It appears to me that honourable members are afraid that if these sections are not amended, it might be urged subsequently that there are certain important duties which the Commissioner has to perform and therefore he is indispensable. So long as the question is not finally decided, namely whether these election petitions should be decided by the Commissioner or the District Judge, I think the Commissioners furnish an agency through which the parties will be able to get their petitions decided quickly and without incurring much expenditure. But if the majority of the members of the Council think that it is absolutely necessary that election petitions should be disposed of by the District Judge, I will accept the amendment.

Rai Vikramajit Singh Bahadur: It is not only on the ground which the Hon'ble Minister has stated that this amendment has been moved. Even if the Commissioners were to stay, the general feeling is that these petitions ought to be decided by the civil judges rather than by the Commissioners. Under the Municipalities Act, election petitions are heard by the Commissioners, and I may say from my experience outside that the people would prefer that petitions like those under the Municipalities Act or the District Boards Act should be heard by the District Judges rather than by Commissioners. I mean no disrespect to the Commissioners nor do I cast any reflection on their decisions, but as the civil judges are, so to say, trained lawyers and have to decide judicial cases, people feel that they will get better justice at their hands than at the hands of the Executive Officers, the Commissioners. The Commissioner in deciding cases may be influenced by administrative considerations in the matter, and therefore it is considered advisable that the matter should be left to the decision of the District Judge. Of course, the Hon'ble Minister considered that these amendments had been moved because people think that the Commissioners will soon be abolished and this may not be treated as a reason for their retention. But whether the Commissioners stay or not, this is a much needed reform and it is in accordance with the popular wish that this amendment has been moved, and I trust that there will be no hesitation on the part of the Government in accepting it.

Mr. S. H. Fremantle: This sounds at first sight a very reasonable proposition to which no one can take exception, and as far as the Commissioners are concerned, they would, I am quite sure from my own personal experience, be immensely pleased to be relieved of the duty of hearing election petitions in municipalities or in district boards. In fact, if I were still a Commissioner, I think that I should myself support the amendment. On the other hand, I doubt whether members have had time to look a little further into this Bill. If they did, they would see that the procedure provided in the Bill for the hearing of these petitions

[Mr. S. H. Fremantle.]

is essentially a summary one It is clearly laid down what it should be, but the point is that although a certain procedure has to be observed it is so arranged that the work should be speedily done.

Now in the case of district judges, they have their sessions dates fixed and they cannot postpone sessions in order to go and try these election petitions, which will probably be somewhat numerous. The work in connection with the election petitions in municipalities could, I think from my own personal experience, not have been done by the Judge without excessive delay. All that the Commissioner would have to adjudge upon is whether a certain person should be a member for a term of three years or whether he should not.

Some honourable members have—as I am sorry to say is frequently the case in this Council—made disparaging remarks about the Executive Officers of the Government with regard to their judicial duties. One member said that the Judge as a judicial officer carries more confidence; he seems to forget that the Commissioner's work is also judicial and I have not seen it suggested that in the ju licial work they do—that is to say in the disposal of rent and revenue cases—they are any less judicial than the Judges are in their civil work. Anyhow if it is suggested, I do not believe it is the case. The Commissioner is to a great extent a judicial officer and he will take this up as a judicial duty. However that may be, there is no doubt in my mind that he will decide these election petitions very much more promptly than the Judge could possibly do, and in cases like this promptness is the essence of a right decision.

I therefore think that the members of this House will be wise if they generally oppose this amendment.

Rai Sita Ram Sahib: I rise to support the amendment and just for two reasons. The Hon'ble Mr. Fremantle said that there seems to be some suspicion about the Commissioner, and that the District Judge will not be able to dispose of the work so speedily and so quickly as the Commissioner. I think there is no question of suspicion. It is a question only of facility of work. If in a district an election petition is to be fought, the person who has to fight it will have better facilities and less expense to undergo if the election petition is heard by the District Judge rather than the Commissioner. For instance, if an election petition is to be fought at Dehra Dun it would be convenient for the litigant if the case is heard at Dehra Dun or Saharanpur rather than at Meerut or at any rate in the district in which the constituency in situated.

The Hon'ble Mr. Fremantle: May I point out to the honourable member that it is printed in the Act that the election petition shall be heard in the district to which it belongs.

The Hon'ble Pandit Jagat Narayan: The Commissioner will go the district and there hear the petition.

Rai Sita Ram Sahib: Anyhow it will save the travelling expenditure of the Commissioner.

The Hon'ble Mr. Fremantle: May I point out that the Commissioner has a fixed travelling allowance.

Rai Sita Ram Sahib: Yes, that is why I say that the travelling allowance will be saved to the Commissioner. As for the speedy disposal of the work, I think that the District Judge will be guided by the proviso to clause 19 and he will dispose of the work as speedily as the Commissioner. Having regard to the popular wish I support the amendment, not because there is any suspicion in my mind as to the impartiality of the Commissioner, but because I think the money of the litigant will be saved and the work will be disposed of equally speedily.

The motion to substitute the words "within whose jurisdiction" for the words "of the district" in the original motion was put and adopted.

The following amended motion "presented to and heard by the District Judge within whose jurisdiction" was then put and adopted.

Mr. Zafar Husain: I move to omit the following words in parenthesis:—

"(Unless some other person or tribunal has been appointed by rule in this behalf)."

I think these words are quite unnecessary in view of the change that has been made in the first part of this clause. I think these words were inserted by the Government because of some suspicion entertained against the Commissioners by the Government themselves, because so long as the word "Commissioner" was there, if the Government had no suspicion against the Commissioner there was no necessity for inserting this parenthesis. I want to remove any suspicion whatever against the Commissioner and therefore I have already moved for the substitution of the words "District Judge" for "Commissioner" and the present motion is as a matter of course. With these words I commend this amendment to this House.

Pandit Gokaran Nath Misra: I feel there will arise some difficulty if the motion which has been moved by the honourable member from Fatehpur is carried, because now that the Council has accepted the amendment that election petitions should be heard by District Judges there may be occasions when if the file before a District Judge is heavy or when in any district there is no District Judge's Court, the Local Government may invest the Sessions and Subordinate Judge, if he holds his court there, or a Subordinate Judge if he has his court there, with these powers. Or in cases where the work of the District Judge is so heavy that he cannot try election petitions satisfactorily and within a desirable period, then the Local Government may give these powers to another person or tribunal. Under those circumstances it would not be proper to act according to the amendment of the honourable mover.

Mr. Zafar Husain: I withdraw the amendment.

The amendment was, by leave of the Council, withdrawn.

The motion that sub-clause (1) of clause 18 as amended do stand part was then put and carried.

Pandit Nanak Chand, who had given notice of an amendment to substitute "District Judge" for "Commissioner" in sub-clause (2) said:—

In view of the decision arrived at by the Council with reference to sub-clause (1), I do not want to move my amendment, because the presentation of election petition has already been provided for under

[Pandit Nanak Chand.]

sub-clause (1). The amendment that has been accepted by the Council runs :—

". . . presented to and heard by the District Judge within whose jurisdiction the constituency concerned is situated."

The Hon'ble the President: It seems to me that an amendment will be essential in sub-clause (2). I think the Hon'ble Minister should consider that.

The Council is adjourned till tomorrow.

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

UNITED PROVINCES

FRIDAY, 10th NOVEMBER, 1922

VOL. X, NO. 5.

OFFICIAL REPORT

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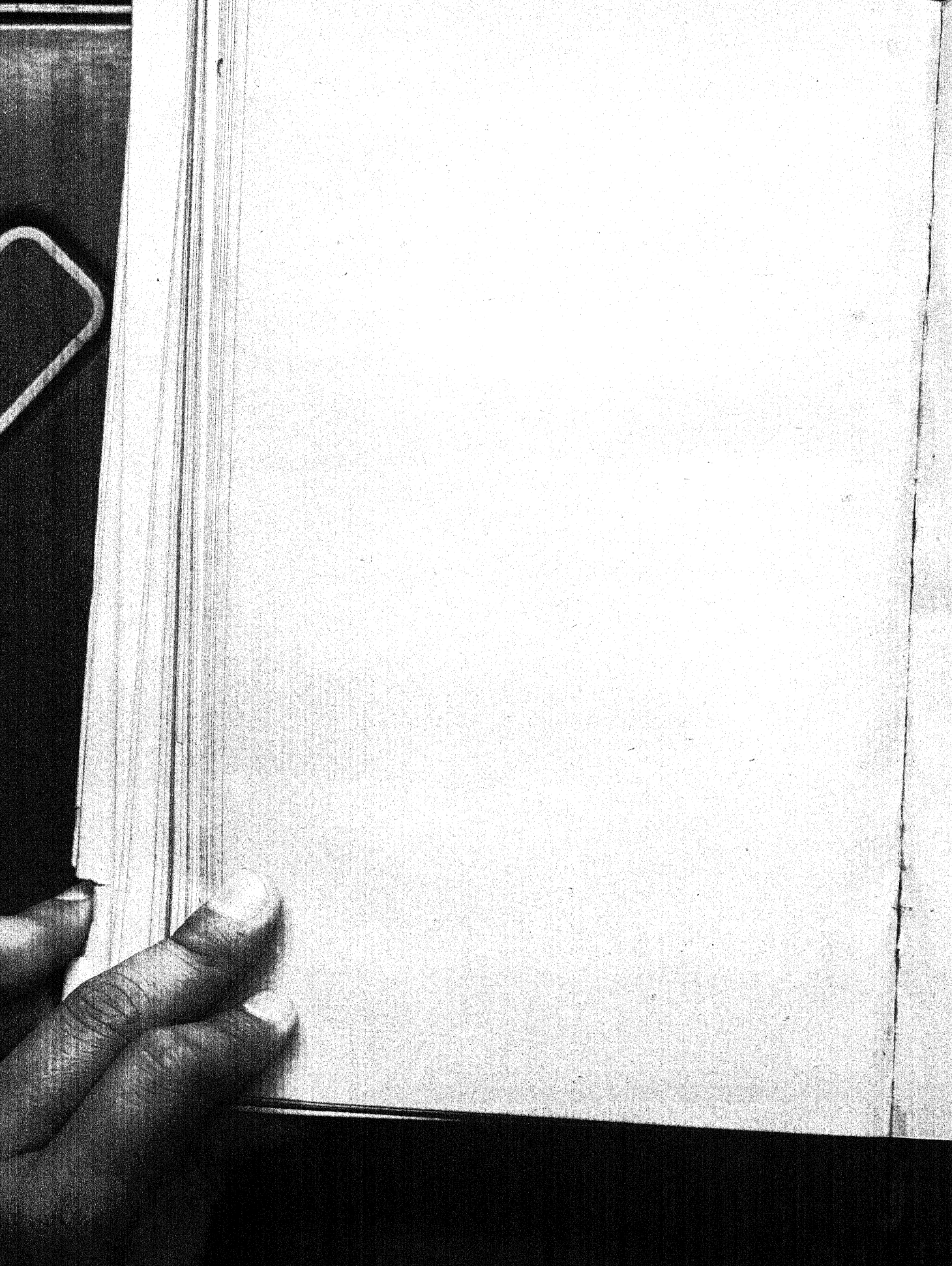
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LEGISLATIVE COUNCIL,
UNITED PROVINCES OF AGRA AND OUDH.

Friday, 10th November, 1922.

The Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

PRESENT:

The Hon'ble Sir Ludovic Porter.
The Hon'ble Mr. C. Y. Chintamani.
The Hon'ble Pandit Jagat Narayan.
Mr. S. H. Fremantle.
Mr. G. B. Lambert.
Mr. H. S. Crosthwaite.
Mr. A. B. Reid.
Kunwar Jagdish Prasad.
Mr. A. C. Verrières.
Mr. R. Burn.
Mr. F. F. Sladen.
Mr. C. M. King.
Mr. F. F. R. Channer.
Mr. H. de L. Ross.
Mr. G. B. F. Muir.
Lieut. Col. A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. H. H. Leake.
Mr. L. S. White.
Mr. H. W. Gill.
Mr. H. David.
Babu Khem Chand.
Pandit Govind Sahai Sharma.
Rai Anand Swarup Bahadur.
Rai Sheo Charan Lal Sahib.
Babu Chhail Bihari Kapur.
Rai Kishori Lal Sahib.
Pandit Soti Vishnu Swarup.
Major Kunwar Shamsher Bahadur Singh.
Lala Shadi Ram.
Pandit Hirday Nath Kunzru.
Rai Sita Ram Sahib.
Pandit Nank Chand.
Thakur Manak Singh.
Rao Sheo Dhyan Singh Sahib.
Rai Man Singh Bahadur.
Munshi Narain Prasad Ashthana.
Rai Indra Narayan.
Raja Kali Charan Misra.
Chaudhri Sher Singh.
Rai Daya Shankar Sahib.
Chaudhri Sardar Singh.
Babu Gur Sahai.
Pandit Brijnandan Prasad Misra.
Rai Gopal Das Sharma Sahib.
Babu Parmeshwar Dayal Amist.
Babu Gendan Lal.
Lieut. Raja Hukm Tej Partab Singh.
Pandit Balbhadra Prasad Tiwari.
Major Des Raj Ranjit Singh.
Lieut. Kunwar Nand Lal, Rai Bahadur.
Mahant Parmanand Gir.
Raja Harpal Singh.
Thakur Parsidh Narain Singh.
Thakur Hanuman Singh.
Mr. Ajodhya Das.
Raja Indrajit Pratab Bahadur Sahi.
Pandit Baijnath Misra.
Rai Jodh Singh B. Negi Bahadur.
Raja Shankar Sahai.
Sardar Birpal Singh.
Rai Mashal Singh Bahadur.
Kunwar Dillipat Shah.
Mr. Kesari Prasad Singh.
Raja Raghuraj Singh.
Babu Shankar Dayal.
Rai Rajeshwar Bali.
Khan Sahib Abdul Baqi Khan.
Mirza Muhammad Sajjad Ali Khan.
Saiyid Janab Ahmad.
Qazi Muhammad Hashim.
Lieut. Kunwar Jamshed Ali Khan.
Khan Bahadur Kunwar Inayat Ali Khan.
Khan Sahib Shaikh Muhammad Yusuf.
Munshi Ata-at-mand Khan Mujibee.

Mr. Zafar Husain.
Nawabzada Muhammad Yusuf.
Khan Bahadur Shah Badre Alam.
Mr. Muhammad Ismail, Khan Bahadur.
Mr. Shakir Ali.
Khan Sahib Hakim Nawab Ali Khan.
Mr. Jafer Hosain.
Khan Bahadur Shaikh Saiyid Muhammad *alias* Maiku Mian.
Munshi Muhammad Zahur-ud-din Khan.
Lieut. Shaikh Shahid Husain.
Raja Sir Saiyid Abu Jafar.
Rai Kunwar Parmanand Bahadur.
Raja Rugho Prasad Narayan Singh, Rai Bahadur.
Raja Shambhu Dayal.
Thakur Nawab Ali Khan.
Thakur Jagannath Bakhsh Singh.
Rai Vikramajit Singh Bahadur.
Pandit Iqbal Narayan Gurtu.
Mr. A. W. Pim.

STARRED QUESTIONS.

Police outposts in United Provinces.

*1. **Major D. R. Ranjit Singh:** (*a*) Will the Government be pleased to state if there are any thanas or police outposts in these provinces where the police officials have no quarters of any kind?

(*b*) If the answer is in the affirmative, will the Government be pleased to lay the list of such thanas on the table and kindly state when are these going to be mended?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: It is presumed that the question refers to buildings which have become uninhabitable owing to damage done by rain or other causes.

The following police stations have collapsed; the staff have been accommodated in tents. The question as to whether the buildings should be repaired or new police stations constructed is at present under consideration:—

(1) Police station at Mandiaon in the Lucknow district.

(2) Police station at Milkipur in the Fyzabad district.

In the following cases rented accommodation has had to be provided for the portion or the whole of the staff of police stations or outposts which have had to be evacuated. Proposals to repair or reconstruct these buildings are already under consideration:—

(1) Outpost Infantry Bazar at Dehra Dun.

(2) Outpost Julali in the Aligarh district.

(3) Outpost Harduaganj in the Aligarh district.

(4) Police station Kotwali in the Agra district.

(5) Outpost Chibramau in the Farrukhabad district.

(6) Police station Kamalganj in the Farrukhabad district.

(7) Outpost Bisheshargani in the Ghazipur district.

(8) Outpost Barbarabua in the Ghazipur district.

(9) Police station Kotdwara in the Naini Tal district.

[NOTE.—The Hon'ble the Home Member being absent, the replies in his name were read on his behalf by the Hon'ble the Finance Member.]

Major D. R. Ranjit Singh: Does the Hon'ble the Home Member know that most of these rented buildings are inadequate and unsuitable?

The Hon'ble Sir Ludovic Porter: I think it is highly probable. I am very sorry for that. But, as far as I am concerned, I shall do everything I can to find money and put matters right.

Rai Jodh Singh B. Negi Bahadur: Is Koldwara not in Garhwal district?

The Hon'ble Sir Ludovic Porter: I do not know.

Mr. Shakir Ali: Is the honourable member aware that the police station at Deoria is also pulled down and the constables are occupying the inspection bungalow to the great inconvenience of visitors?

The Hon'ble Sir Ludovic Porter: I will bring this to the notice of the Hon'ble the Home Member.

Release of habitual criminals.

* 2. **Major D. R. Ranjit Singh:** (*a*) Has the Government passed any orders lately for the release of some habitual criminals other than politicals?

(*b*) If the answer to the above is in the affirmative, will the Government be pleased to lay a statement on the table showing the various crimes for which they were convicted, names of the prisoners, period of terms served, period of term remaining to be served?

(*c*) Will the Government kindly also state the reason [if the answer to (*a*) is in the affirmative] for the release of these criminals?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) The answer is in the negative.

(*b*) and (*c*) Do not arise.

Babu Ram Varma in Sitapur jail.

* 3. **Pandit Brijnandan Prasad Misra:** (*a*) Will the Government state how much has Mr. Babu Ram Varma lost in weight since he has been lodged in the Sitapur jail?

(*b*) Is it a fact that he went on hunger strike and, if so, for how many days did he fast?

(*c*) What arrangements have now been made for his diet?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) This prisoner has lost 10 lbs. in weight, as he has persistently refused to take bread, has fasted often on religious grounds, and has taken vegetable food only.

(*b*) No. On arrival in Sitapur from Basti he fasted for several days on religious grounds, telling the authorities that he had taken a vow not to take grain for 12 years. He said that he had already observed this vow for seven years.

(*c*) He is allowed, on medical grounds, sufficient vegetables, sugar, milk, and *ghi*.

* 4. **Pandit Brijnandan Prasad Misra:** Will the Government state what profession was the prisoner following in life before his joining non-co-operation?

For what offences has he been convicted?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: His profession is shown as "trade."

(*a*) Under sections 124A and 153A of the Indian Penal Code.

Pandit Brijnandan Prasad Misra: Is it not a fact that the man had been a prominent lawyer?

The Hon'ble the President: The question should be "Is it a fact" and not "Is it not a fact."

The Hon'ble Sir Ludovic Porter: I do not know. As far as I can say, it is hardly compatible with the profession of trade that a lawyer should be described as a trader.

Pandit Kapil Deva Malvia in Lucknow jail.

* 5. **Pandit Brijnandan Prasad Misra:** Is it a fact that Pandit Kapil Deva Malvia was suffering from asthmatic cough while in the Lucknow jail, where he had been a special treatment prisoner and that the prisoner wrote thrice to the Superintendent to send his sputum for examination to the Medical College and prayed for the preparation of the antivaccine for injection but did not even receive a reply?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: It is a fact that Pandit Kapil Deo Malvia stated that he was suffering from asthma while in the Lucknow jail. The Superintendent advised him to go into hospital for observation but the prisoner was not willing, as he said his illness was not serious. He was examined by the medical officer and his lungs were found to be healthy and free from organic disease. He was living in the same barrack as Dr. Jawahir Lal, who, it it understood, gave him whatever treatment was required. Dr. Jawahir Lal made no suggestions or requests in connection with the treatment of this prisoner and the Superintendent did not consider it advisable that any vaccine treatment should be resorted to while the prisoner was in jail.

Pandit Iqbal Narayan Gurtu: With regard to the last part of the answer am I to understand that in the opinion of the Government vaccine treatment should not be resorted to in the case of any prisoner?

The Hon'ble Sir Ludovic Porter: Does this arise out of the answer, Sir?

The Hon'ble the President: What is the question?

Pandit Iqbal Narayan Gurtu: In the last part of the answer it is said that "The Superintendent did not consider it advisable that any vaccine treatment should be resorted to while the prisoner was in jail." I want to know whether there is any general rule that vaccine treatment should not be resorted to.

The Hon'ble the President: It does not arise in dealing with this particular question. The reply is "The Superintendent did not consider it advisable that any vaccine treatment should be resorted to while the prisoner was in jail."

Pandit Iqbal Narayan Gurtu: In the case of this particular prisoner it is said so. I want to make it quite clear whether there is any general rule.

The Hon'ble Sir Ludovic Porter: I think the meaning is that in the case of this particular prisoner it was not considered that vaccine was necessary. But I think there is no such general rule.

Pandit Brijnandan Prasad Misra: Is it not a fact that . . .

The Hon'ble the President: Order, order. I have already told the honourable member that he should leave out the negative. The honourable member can ask a question "Is it a fact" but not "Is it not a fact" which is argumentative.

Pandit Brijnandan Prasad Misra: Very well, Sir. I shall put the question as you wish. Is it a fact that Dr. Jawahir Lal had no access to the prisoner for the purpose of treatment as stated by the committee which sat to inquire into the cause of the death of Avadh Narayan Lal?

The Hon'ble Sir Ludovic Porter: Apparently the prisoner was living in the same barracks and I gather from the answer that he had full access to him.

Pandit Brijnandan Prasad Misra: Is it a fact that restriction had been put on Dr. Jawahir Lal not to treat anybody in the jail whether in his own barracks or in any other barracks.

The Hon'ble Sir Ludovic Porter: I think I must ask for notice. I can say for a fact that for a considerable period he was treating prisoners.

* 6. **Pandit Brijnandan Prasad Misra**: Is it also a fact that the prisoner after receiving a promise from the Superintendent of being granted a tube for the collection of sputum in reply to the prisoner's last request made personally to the Superintendent did never receive the tube and lost 12 pounds in weight after his transfer from the Agra jail?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The prisoner was discharged from jail in good health. His weight was 120 lbs. which is much above the average weight for his height, this being only 5 feet 3½ inches.

It is not true that he lost 12 lbs. His weight was 128 lbs. in the Agra jail and 120 lbs. on release. It is probable that his general health benefited by the loss of some superfluous adipose tissue as the result of gymnastic exercises carried out in the jail.

Rai Vikramajit Singh Bahadur: What was his weight when he was admitted in jail?

The Hon'ble Sir Ludovic Porter: I do not know. I shall find it out.

Transfer of Mr. Yusuf Imam to Lucknow central jail.

* 7. **Pandit Brijnandan Prasad Misra**: (*a*) Will the Government state why Mr. Yusuf Imam, a well-known barrister, was transferred to the Lucknow central jail from the Lucknow district jail?

(*b*) Where is the aforesaid prisoner (Mr. Yusuf Imam) now lodged and is he a special-treatment or a non-special treatment prisoner?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) For breach of the regulations.

(*b*) He was released two days later.

Placing political prisoners that are relations in one enclosure.

* 8. **Pandit Brijnandan Prasad Misra**: Is it a fact that the Superintendent of the Lucknow district jail has made it a practice not to place prisoners that are relations or friends of one another in the same enclosure?

If so, what is the benefit of this arrangement and what was the cause that led to it?

If this does not exist as a practice, will the Government state why Kapil Deva Malvia and Keshawa Deva Malvia (brothers), Messrs. Mohan Lal Nehru, Shiam Lal Nehru, and Jawahir Lal Nehru (cousins) and Deva Das Gandhi and Mahadeva Desai (friends) were kept in separate enclosures?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The Superintendent has full discretion in this matter.

(*a*) This was the result of the discretion exercised by the Superintendent as above.

Dr. Murari Lal in Lucknow jail.

* 9. **Pandit Brijnandan Prasad Misra**: Is it a fact that when Dr. Murari Lal's mother went to see her son in the district jail, Lucknow, that the doctor's son who had gone to the place as the feeble lady's support was not allowed to stay and that the jailor's rudeness to the prisoner compelled him not to speak to the lady and to go back to the barrack?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: It is a fact that the young man in question, who is over 20 years of age, was ordered out of the area reserved for *zanana* interviews. It is not a fact that the prisoner was "compelled not to speak to the lady."

Rai Vikramajit Singh Bahadur: May I ask if any other ladies were present at the time of the interview in the *zanana* enclosure?

The Hon'ble Sir Ludovic Porter: I am afraid I must ask for notice. I do not know.

Jail Manual to political prisoners.

* 10. **Pandit Brijnandan Prasad Misra**: Will the Government inform the Council if the political prisoners are allowed to see the Jail Manual if necessary for reference?

(*a*) If so, is the Government aware that the jail authorities in the district jail, Lucknow, do not permit the use of the Jail Manual by the prisoners?

(*b*) Is it a fact that a copy of the Jail Manual of Mr. Bhagwan Das Halva (prisoner's own copy) was taken away from him?

(*c*) Will the Government issue instructions to the jails that the Jail Manual must be given for a reasonable time to any prisoner who demands it.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) The honourable member is referred to the answers given to question Nos. 30 on the 31st October and 3 on the 8th November.

(*b*) The Government has no information.

(*c*) No.

Pandit Brijnandan Prasad Misra: Did the Government inquire within the period of notice as to whether it is a fact or not?

The Hon'ble Sir Ludovic Porter: No inquiries were made.

Babu Chhail Bihari Kapur: Will inquiries be made now?

The Hon'ble Sir Ludovic Porter: It does not seem to be a matter of world-wide importance, but I have no objection to making inquiries.

Babu Chhail Bihari Kapur: With reference to part (*c*) may I inquire if it is the intention of the Government that prisoners may not have access to the rules and regulations by which they are to be governed while in prison?

The Hon'ble Sir Ludovic Porter: I think the honourable member must realize that jails are neither soviets nor debating societies and if prisoners are given the opportunity of questioning every regulation that is laid down, then discipline vanishes.

Pandit Hirday Nath Kunzru: Is the honourable member aware that these political prisoners are generally given books to read?

The Hon'ble Sir Ludovic Porter: I think they are. I admit that the case of these prisoners appears to be different in so far as they are political prisoners.

Babu Chhail Bihari Kapur: What is the position of Government now? May I understand that political prisoners will be free to have their own Manuals?

The Hon'ble Sir Ludovic Porter: I will ask the Hon'ble the Home Member to consider it further.

THE DISTRICT BOARDS BILL, 1921.

CLAUSE 18 (2).

The Hon'ble Pandit Jagat Narayan: May I make a statement?

The Hon'ble the President: Yes.

The Hon'ble Pandit Jagat Narayan: Government was asked to consider as to whether it is necessary as a consequential amendment to amend clause (2). I may explain the whole position. The object of this clause was to provide easy machinery which would dispose of these applications without delay. However, the Council decided that the applications might be presented before the District Judge and that he may have the power to try them. Now the second object was that those candidates who were fighting these elections in various districts may not be dragged to the headquarters, because the District Judge and the Commissioner are not posted in every district, and therefore it was allowed that they may be permitted to present their applications to the District Magistrate. I think therefore that notwithstanding what has been said and accepted it is necessary to provide now that these petitions might be presented before a munsif who has jurisdiction over those constituencies and if the President will allow me, I will read out an amendment which I have drafted.

The Hon'ble the President: The Hon'ble Minister may read his amendment.

The Hon'ble Pandit Jagat Narayan: For the present sub-clause (2) I have drafted the following:—

"Notwithstanding anything contained in sub-section (1) an election petition, and any application relating to the hearing of an election petition, may be presented to such District Judge, or to such other person or tribunal, or to a munsif within whose jurisdiction the constituency concerned or any part thereof is situated."

The Hon'ble the President: Is the Collector also included?

The Hon'ble Pandit Jagat Narayan: The name of the Collector appears only because he would forward these petitions to the Commissioner. Now, as the matter has been transferred to the jurisdiction of the District Judge, the Collector will have nothing to do.

The Hon'ble the President: The motion proposed is that in the beginning of sub-clause (2) of clause 18 the following words be inserted :—

"Notwithstanding anything contained in sub-section (1)."

Then the clause will go on up to the words "presented to such" after which for the word "Commissioner" the words "District Judge" are to be substituted. The clause will then go on up to the words "tribunal, or to" and for the remaining words it is proposed that the following be substituted :—

"a munsif within whose jurisdiction the constituency concerned or any part thereof is situated."

The question then is that after the figure (2) the following words be inserted, viz., "Notwithstanding anything contained in sub-section (1), that for the word "Commissioner" the words "District Judge" be substituted and that for the words "the Collector of the district within which the constituency concerned is situated" the following words be substituted :—

"a munsif within whose jurisdiction the constituency concerned or any part thereof is situated."

The amendment was put and adopted.

The motion that sub-clause (2) of clause 18 as amended to stand part was put and adopted.

All the amendments to clause 18 having been disposed of, the motion that clause 18 as amended to stand part was put and carried.

CLAUSE 19 (2) (*a*).

The Hon'ble Pandit Jagat Narayan: The amendment that stands in my name is that in sub-clause (2) (*a*) of clause 19 the following words be inserted after the words "election petitions" :—

"relating to the election of the same person."

The clause as amended would read as follows :—

"(*a*) Any two or more election petitions relating to the election of the same person may be heard together."

The motion that in sub-clause (2) (*a*) of clause 19 the words "relating to the election of the same person" be inserted after the words "election petitions" was put and adopted.

The motion that in sub-clause 19 after the words "election petitions" the words "relating to the election of the same person" be added was put and adopted.

The motion that (2) (*a*) of clause 19 as amended, stand part was put and adopted.

Mirza Muhammad Sajjad Ali Khan: I propose that for (*c*) of sub-clause (2) of clause 19 the following be substituted :—

"(*c*) there shall be an appeal on a question of law, but not on a question of fact."

To make it consistent with the Code of Civil Procedure, 1908, it is fair that an appeal should lie on a question of law, but not on a question of fact. There is no reason why an unsuccessful candidate should be debarred from filing an appeal on a question of law.

The Hon'ble Pandit Jagat Narayan: I oppose it, Sir, because the object of these sections is that such applications be decided speedily, that the petitioners or the opposite party may not have to incur a large amount of expenditure, and that such applications should not be treated as a suit in which a question of title or a question of property is involved. Further, I will inform my honourable friend that in England, where the machinery of hearing election petitions is perfect, there is absolutely no right of appeal either on a question of law or fact. I will refer him to Halsbury's Laws of England, page 488, section 952. There it is said :—

"There is no appeal from any decision of the Commissioner upon any question either of law or fact; but he has power to reserve any question of law as to the admissibility of evidence or otherwise for the consideration of the High Court, if such question appears to him to require such consideration."

Mirza Muhammad Sajjad Ali Khan: I beg to withdraw the amendment.

The amendment was, by leave of the Council, withdrawn.

The motion that sub-clause (*e*) do stand part was put and adopted.

Mirza Muhammad Sajjad Ali Khan: I beg to move that in sub-clause (*f*) for the words "fifteen days," substitute the words "one month."

The time of 15 days is too little and it should be extended to one month to make an application for revision.

The Hon'ble Pandit Jagat Narayan: An unsuccessful candidate *primâ facie* is in the wrong. We should care more for a successful candidate than for an unsuccessful candidate. After a man is elected he should not be prevented from discharging the duties of his office for months and months. That would not be a very desirable state of affairs, and I think the matter should be decided as quickly as possible.

Mirza Muhammad Sajjad Ali Khan: In view of the remarks made by the Hon'ble Minister I beg to withdraw my amendment.

The amendment was, by leave of the Council, withdrawn.

The motion that sub-clause (*f*) do stand part of the Bill was put and adopted.

The motion that sub-clause (2) of clause 19 as amended do stand part was put and adopted.

The motion that clause 19, as amended, do stand part was put and adopted.

CLAUSE 20 (1).

Rai Sita Ram Sahib: I move that for the words "District Magistrate" the word "District Judge" be substituted. The Council has

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already adopted the amendment in clause 18, namely the substitution of the words "District Judge" for the word "Commissioner." Therefore this amendment is only consequential.

Major Kunwar Shamsher Bahadur Singh: The jurisdiction of the District Judge is very large. Sometimes he happens to be in one place and sometimes in another, while the District Magistrate is usually in his own district. I think it will affect the working to a certain extent if the District Judge is substituted for District Magistrate.

Thakur Jagannath Bakhsh Singh: The point raised by my honourable friend has already been decided in a previous section. The amendment moved by Rai Sita Ram Sahib is a consequential one, and I think it should be accepted.

The Hon'ble Pandit Jagat Narayan: I oppose the motion, because the object which my honourable friend wants to gain will be actually defeated. Previously the election court was different from the court of the District Magistrate, and it was not a civil court. It was the court of the Commissioner, and the object of this section was that he may be able to utilize the clerks and peons of the court of the District Magistrate. Now, in case the munsif is authorized to dispose of these election petitions and if he requires the help of more clerks and peons than he himself has, he may be able to request the District Magistrate to lend him their services in serving summons, etc.

Rai Sita Ram Sahib: In view of the remarks made by the Hon'ble Minister I withdraw my amendment.

The amendment was, by leave of the Council, withdrawn.

The motion that clause 20(1) do stand part of the Bill was put and adopted.

CLAUSE 20 (2).

Rai Vikramajit Singh Bahadur: As the civil courts have now been given power to hear election petitions, they will have the machinery to execute their own decrees, and that being the case, it will probably not be necessary to send down the decree to the Collector for execution. It is, however, pointed out that if any other tribunal is appointed, it may be necessary to have some other authority to execute the decree, and under these circumstances I will not press my motion.

The motion that sub-clause (2) of clause 20 do stand part was put and adopted.

The motion that clause 20 do stand part was put and adopted.

CLAUSE 21.

The motion that clause 21 do stand part was put and adopted.

CLAUSE 22.

The motion that clause 22 do stand part was put and adopted

CLAUSE 23.

The Hon'ble Pandit Jagat Narayan: I rise to move that the following proviso be added to clause 23:—

"Provided that a disqualification under this section may be removed by an order of the Local Government in this behalf."

This was suggested when we were discussing another clause, and I am putting this amendment in its proper place.

The motion was put and adopted.

The motion that clause 23, as amended, do stand part was put and adopted.

CLAUSE 24.

Pandit Nanak Chand: I move that in clause 24 (*a*) insert "or gratification" between the words "injury" and "any voter."

When I gave notice of this amendment, I had in mind clause (*b*) to which the Hon'ble Minister has drawn my attention. I want these words to be added with a view to bring in some of the corrupt practices which have been defined in rule 1 of schedule IV, Part I, of the Provincial Electoral Rules where it is laid down—

"A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent of any gratification to any person whomsoever, with the object, directly or indirectly of inducing—

(*a*) a person to stand or not to stand as, or to withdraw from being a candidate, or

(*b*) an elector to vote or refrain from voting at an election,

or as a reward to—

(*a*) a person for having so stood or not stood or having withdrawn his candidature, or

(*b*) an elector for having voted or refrained from voting."

And there is an explanation which defines "gratification" somewhat differently from the provision which is found in clause *(b)* of this section which I seek to amend. The explanation in the electoral rules for Legislative Council runs as follows:—

"For the purpose of this clause the term gratification is not restricted to pecuniary gratifications or gratifications estimable in money and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bond* fide incurred at or for the purposes of election and duty entered in the return of election expenses prescribed by these rules." I want to draw the attention of the honourable members to the difference which is not covered by clause (*b*). Clause (*b*), as the honourable members will see, provides "with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate or in consideration of any voter having voted or refrained from voting for any candidate, offers or gives any money or valuable consideration or any place or employment, or holds out any promise of individual advantage or profit to any person." This as the honourable members will see does not provide for the inclusion of entertainments in the corrupt practices which is referred to

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in the explanation which I have just quoted. I will draw the attention of the members of this House to the fact that, according to the rules applicable to the Provincial Legislative Council elections, all forms of entertainments are included among the corrupt practices and these entertainments, I at least believe, were rightly included in the list of corrupt practices; because one cannot say to what extent these entertainments may go. One person may consider that providing tobacco or water is an innocent thing and should not be objected to but another person may think that providing beverages such as *sherbat* or *thandai* ought to be permissible. Another person may think that providing some little refreshment by way of some sweets or some fruits should be allowed, yet another may think that since the voters will have to go out to vote about 8 in the morning they will not have time to take their meals before they leave their house and it may be very inconvenient for them to go back and then take their meals, late in the afternoon, so it ought to be made permissible to provide them with meals at the election booths. So one cannot say to what extent this term "entertainment" may be interpreted by various individuals or candidates The position of those who want to eschew providing entertainments will be very difficult. The innocent people of agricultural areas will think that there is a candidate who is providing something by way of refreshments; they will in all probability feel tempted to be led away by that inducement to go and vote for that gentleman and may feel inclined not to vote for another candidate who may be very good, very honest, but who may not offer these entertainments. I understand that the practice of providing some sort of entertainment has grown up in urban areas, for example, offering cigarettes, or *pan* or *elachis*, but I am afraid that if this practice is allowed to permeate into the rural areas, the time will come when we will have to regret it. If we allow these entertainments to be given in the case of district board elections, then the voters will expect similar entertainments from the candidates who seek election to the legislative bodies, and if the members begin to provide these entertainments, I am afraid they will be committing corrupt practices under the definition in these rules, which I have pointed out. I think therefore that it will be in the interest of pure elections unsullied by any temptations, that this amendment be accepted.

The Hon'ble Pandit Jagat Narayan: I am as much and as strongly in favour of the purity of elections as anybody else. This matter was seriously considered by the Select Committee and having regard to the present circumstances and experience of the elections and several other matters we came to the conclusion that it is not time to introduce all these rules which do prevail in England and other places. Even there notwithstanding that elections have been going on for years and years - for hundreds of years--all these things are practised. The first question is as to whether the mere introduction of the word "gratification" will import the whole speech of my honourable friend or the explanation which he was just read in the body of this Act. I say, no. Therefore, practically the word "gratification," may mean nothing or it may mean everything. It is quite possible that a humorous and a very entertaining speech given by my honourable friend to his voters might be

interpreted to come under the term "gratification," because he will be gratifying his voters. The mere fact of our adding the word "gratification," unless and until we incorporate the whole of our honourable friend's speech will not make the word "gratification" understandable to anyone. As I say, I quite agree with him that we should try for the purity of elections and I think as a first step, the safeguards that have been provided here, are quite sufficient. I ask what about the municipal elections? Is not my friend aware that carriages are supplied, that *pan*, *elaichis*, and cigarettes are supplied? Can he say whether any desirable candidates were defeated simply because the other side gave cigarettes or *pan* to his voters? In the abstract I agree with him, but I think I would on behalf of the Government adhere only to the safeguards provided by this Act, and I believe that after a few years' experience the time may come when we may have to amend this Act and to introduce the whole of the election laws that are prevalent in England and other European countries.

Major Kunwar Shamsher Bahadur Singh: The stress laid on the word "gratification" has only been considered from a one-sided point of view: the other point of view should also be taken into consideration. All those poor electors who come from great distances to vote for the members cannot possibly be deprived of the traditional civility of the country that is prevalent from time immemorial, i.e., offering them a cigarette or a drink of water at least for all the trouble they have taken. If a cigarette or a drink of water is such a great inducement for a voter that it would tempt him to vote for the candidate who provides this facility, I think that that voter is really not a fit person to vote. I think there are other words in the clause to safeguard the foul means and this word should not be found fault with.

Pandit Govind Sahai Sharma: I am sorry to oppose the amendment moved by my friend the honourable member from Bulandshahr. We are inflicting a highly technical administration on our simple and poor people at their own expense and to expect such things from these people which are expected from people in Europe will be too much and will be against their interests. I would therefore ask my friend to withdraw the amendment: if not, I would ask this House to oppose it.

Pandit Nanak Chand: It has been pointed out by the Hon'ble Minister that it is not time to introduce such a restriction. What I pointedly drew the attention of the House to was that this has already been introduced for the purpose of elections to the Legislative bodies. Of course I have not in this word "gratification" imported the explanation, but if the House be pleased to accept the present amendment, I have got another amendment lower down on the page to bring in the explanation which I quoted to the House. I have pointed out that unfortunately in urban areas the practice of giving *pan* or *elaichis* or cigarettes has grown up. There the necessity of providing meals does not press itself because the voters are confined to a small area. They can either take their meals before they go to the election booths or soon after recording their votes. But in rural areas when we expect that the voters will leave their homes early in the morning to reach the election booth at 8 o'clock, where it is possible that on account of pressure of polling the turn of some of the voters may not come up until late in the afternoon, it may be considered almost a necessity to provide them with meals. If this necessity, whether real or imaginary, is realized by some of the candidates

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and is given effect to, then I think it will not be such an insignificant matter as providing *pan* or *elaichi* or cigarette, but it will be providing them with meals and luxurious meals of all sorts. If the House thinks that this provision which I propose to incorporate be left out I think it will be difficult for us to get the rules amended after the practice has been imbibed by the candidates and the electors.

With these words I leave the amendment to the House.

The amendment was negatived.

The motion that sub-clause (*a*) of clause 24 do stand part was put and adopted.

CLAUSE 24 (*d*).

Pandit Nanak Chand : I beg to move that a new clause be added after (*c*) ; and that new clause would run thus : —

" (*d*) pays or promises to pay any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote or hires, employs, borrows or uses for the purpose of election any conveyance usually kept for letting on hire."

And re-number (*d*) as (*e*).

This amendment which I have proposed for the acceptance of the House is on the lines of the provisions which find place in the rules for the United Provinces Legislative Council, Schedule 4, Part II, clauses 4 and 5, wherein it is provided :

4. " Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote ; " and

5. " The hiring, employment borrowing or using for the purpose of election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers on hire."

I have adopted the underlying ideas of these two clauses and have incorporated them in the amendment which I have placed before the House. The providing of such hired conveyances having been treated as a corrupt practice for the elections to Legislative bodies I presume that all the members of this House who owe their presence in this Council Chamber to election by their constituencies have come to this Council without providing any conveyance for their electors ; and I think this provision has worked well during the last elections. I would therefore earnestly urge that this provision be incorporated in the Bill to avoid a different practice being started in rural areas in this matter.

With these remarks I commend the amendment to the House.

Thakur Jagannath Bakhsh Singh : I rise to oppose the amendment moved by my honourable friend from Bulandshahr. But in opposing this I wish that the House may not misunderstand me. It is not my desire to have no prohibition for corrupt practices. The honourable mover says that a similar section or sub-clause as proposed by him exists in the electoral rules for the Legislative Council. I beg to put before the House that the rules that are provided for the Legislative Councils are not necessarily required for the district boards. The practice

or the rules in this connection that exist in England have not been exactly embodied in the rules provided for the Legislative Councils. There are different standards for different areas and conditions. If there is a certain prohibition for the Legislative Council I beg to say that it cannot be argued that the same is a right and just prohibition for a rural area provided in this Bill.

Then, Sir, the second point I may put before the House is that I am afraid that if more and more strict prohibitions regarding elections are enacted by this House they may debar some desirable candidates from seeking election. It is evident that the franchise, I mean to say that the change in the constitution of the present Legislative Council, has made room for many more members than it allowed in the previous Council. This fact alone proves that first class men from districts would be coming to the Provincial Councils. They would rather seek elections for the Legislative Councils than for the district boards. It is therefore evident that only second class men will stand for the district boards. Now, if you make the election rules more and more strict I apprehend the result may be that even second class persons who would be willing to come to district boards may be debarred or may not like to seek election to them. Thus only those persons who have little fear for any offence, who do not care if they are put in any election court, for they will suffer no loss of reputation, may only stand for election. And if my apprehensions are realized the result may be that the district boards may not be constituted, as it is desirable that they should be. Therefore I would ask the honourable mover not to press his motion at the present moment. This Bill is only going to be tried in rural areas and therefore it is not desirable to have such strict rules in this Bill as exist in the Legislative Councils or as exist in England, which is enjoying a democratic system for centuries and centuries. With these few words I ask the House not to support the amendment which is before it.

The Hon'ble Pandit Jagat Narayan: Again it is my painful duty to oppose the amendment which has been proposed by my honourable friend Pandit Nanak Chand Sahib. I remember that I submitted a note disagreeing with the framing of any such rule for Council elections, when the rules referred to by him were framed. I agree with him that in principle it is quite sound, but the question is whether the honourable member will gain the object which he has in view. In England there are sufficient facilities for communication. There are innumerable roads, motor cars, railways, and in future possibly there might be aeroplanes There people can be rushed in and there everybody takes an interest in coming and giving his vote. But what is the condition in India? I have fought more than a dozen elections. The one difficulty in India is that voters refuse to go to the polling stations. Now, which is the better thing, whether the majority of voters should stay where they are or whether more than 50 or 60 per cent. of the voters should exercise their right of vote if a conveyance is provided for them? In the second place, is the honourable member not placing a well-to-do candidate at a very great advantage? After all, this rule, even if it be framed, can be evaded and I know from personal experience that it has been evaded in every election which was held in the year 1920, because a man who has rich friends and who himself is rich enough can borrow many motor cars, can borrow *chakras* and those voters who are going to

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vote for him will have the facility of conveyances. Then why do you prevent a man who has not got rich friends or who has not got his own *chakra* to at least hire some of the *chakras* which are available. After all, as a practical man the honourable member knows that such things will go on spite of this rule. Even in the Council elections and in municipal elections which had a similar rule, this rule was always honoured in the breach. Having regard to Council elections that rule was absolutely wrong, because in England the distance is very small and the facilities for communication are many. Here in the Council elections a man may have to walk six, seven or eight miles to reach the polling station. Now with regard to the district board election the election will be confined to small areas. There will be practically no roads, no railways; it may perhaps be a cart-road where a *chakra* might be employed, and for this reason I think that, so far as the district boards are concerned, it is not necessary to alter the rules by accepting this amendment.

Khan Bahadur Shaikh Muhammad Yusuf opposed the amendment of Pandit Nanak Chand in an Urdu speech.

Pandit Nanak Chand: I regret I have failed to understand the arguments advanced by my friends who have opposed this motion. Some have pointed out that it will prevent desirable candidates from seeking election. I, on the contrary, hold that if this practice of allowing conveyances to be hired is permitted, it will prevent desirable candidates from seeking election, because they may not like to incur any expenses at all, as the honourable member from Aligarh has pointed out. They may like to give some of their valuable time for the service of their constituency but they may not like to spend any considerable amount of money to get themselves elected. Again, it has been pointed out that it will lead to so many difficulties. I, as a representative of this Council, belong to a district which mustered the largest number of voters of all the districts in these provinces, and I can say that my friend for West Bulandshahr and myself were the two successful candidates and none of us employed a single conveyance, and yet the voters were good enough to turn up at the polls. If there was no difficulty there, I do not see how such difficulties can arise anywhere else. But if honourable members believe in the efficacy of providing conveyances for voters, I only say that I cannot do more than place my point of view before them and leave the decision in their hands.

The Hon'ble Pandit Jagat Narayan: I should not be understood to mean that I endorse the view that it is a very desirable thing for candidates to provide conveyances. What I said was that this rule, even if made, would remain a dead-letter and would place a wealthy candidate at a great advantage over a man who has not got well-to-do friends. Here it is proposed that conveyances should not be hired, but from my experience of many elections I say that any number of carriages can be had and can be borrowed. Then what will be the ultimate result of this prohibition? The ultimate result would be that a candidate who is not himself wealthy or has not got rich friends will be penalized. As a matter of fact this rule is so easy of being evaded that it is hardly worth while to introduce it into this Bill.

The amendment proposed by Pandit Nanak Chand was put and negatived.

The motion that clause 24 do stand part was put and adopted.

CLAUSE 25.

The motion that clause 25 do stand part was put and adopted.

CLAUSE 26.

The motion that clause 26 do stand part was put and adopted.

CLAUSE 27.

The motion that clause 27 do stand part was put and adopted.

CLAUSE 28.

The motion that clause 28 do stand part was put and adopted.

CLAUSE 29.

Khan Sahib Hakim Nawab Ali Khan: I move that the following be added as sub-clause (6) after sub-clause (5) of clause 29 :—

"(6) Every elected or nominated member before taking his seat in the board shall take an oath of allegiance to the Crown and the constitution before the District Magistrate." He spoke in Urdu in support of his motion.

The Hon'ble Pandit Jagat Narayan: The sanction for the moving of this amendment has been obtained from the Government of India. Therefore it is my duty to inform the President under the rules that the attitude of the Government in this matter is that it neither opposes nor supports the amendment, and it leaves the matter to the decision of the Council. The official members will be free to vote as they like.

The Hon'ble Mr. C. Y. Chintamani: I oppose one part of this proposed amendment. The honourable mover would wish members of district boards to swear allegiance not only to the Crown but to the Constitution. To what Constitution? If it is intended that a person elected to a district board should not be permitted to take his seat as a member unless he swears that he shall be faithful to the existing constitution of the Government in this country, I can only express the hope that my countrymen will sooner forego the privilege of sitting in those boards than pledge themselves not to make any effort to get this constitution changed as far as practicable. Secondly, he wants this oath to be taken before the District Magistrate, not before the Chairman of the board. We in the Legislative Council make our affirmation of allegiance not before His Excellency the Governor, but before you, Mr. President, as the head of the Council. But the honourable mover of this amendment thrusts aside the elected president of the district board and would not be satisfied unless this oath is taken before the executive head of the district. I think his proposal is highly objectionable. Unless this amendment is amended in these two respects, I for one shall be obliged to vote against it. If, however, it is suitably amended and it is limited to the taking of an oath or to the making of an affirmation of allegiance to the Crown by a member of the board before the Chairman of the board, I shall vote for it heartily.

Rai Vikramajit Singh Bahadur: I oppose the entire amendment. It seems to me an absolutely useless and superfluous thing for the members of district boards to take an oath of allegiance. Of course the honourable mover seems to have copied it from the Provincial Council or Legislative Assembly rules. I feel that if these things are to be introduced in the district boards or municipalies it would be a very novel idea of the honourable mover, but I submit that I have no sympathy with it. It must be presumed that the Indians as a body owe allegiance to the Crown and they are loyal. To bring all these things in the various small bodies either district boards or municipalities, I submit, is not at all proper. Other objections have been pointed out by the Hon'ble Minister and I fully agree with them. The whole amendment seems to me to be so absolutely useless and superfluous that it should not be accepted by the Council.

The Hon'ble Pandit Jagat Narayan: I have to say one word that in case this amendment is accepted it would be absolutely necessary that the following words be added at the end of the amendment in whatever form the amendment is accepted :—

"Notwithstanding anything contained in the Indian Oaths Act of 1873."

Hakim Nawab Ali Khan Khan Sahib pressed his motion in Urdu.

The amendment was put and negatived.

CLAUSE 30.

Mr. Zafar Husain: I beg to move that for sub-clauses (1) and (2) the following may be substituted : —

30. "A member other than the chairman of a board wishing to resign his seat may submit his written resignation to the chairman for the acceptance of the board."

The procedure of accepting resignations in the District Boards Act and the Municipalities Act is quite different. Under the old District Boards Act, resignations of nominated members could be accepted by the Government, and, of the elected members, by the Commissioner. Under the Municipalities Act resignations of both nominated and elected members could be accepted by the Commissioner. In the present Bill the procedure that the power of accepting resignations should vest in the Commissioner is entirely inconsistent with the old Act. I would refer honourable members to clause 44, sub-clause (3), of the present Bill, in which it is provided that the resignation of the vice-chairman could be accepted by the board. Now, if the resignation of the vice-chairman could be accepted by the board, there is no reason why the resignation of an ordinary member of the board should not be accepted by the board itself. Under these circumstances I think the board should be the proper authority for accepting resignations, and not the Commissioner. I do not want to cast any reflection on the Commissioner, or to curtail his power; but in view of yesterday's voting, I am afraid that the Council would not agree to the curtailment of the power of the Commissioner.

The Hon'ble Pandit Jagat Narayan: The idea underlying section 39 of the Municipalities Act, upon which the present section is based, was that a member, who desires to sever his connection with the municipal or

district board, should not be dependent on the acceptance of his resignation by his fellow members, or even by the chairman, and consequently, in order to avoid future trouble in respect of petitions and counter-petitions, it was considered necessary that the resignation should be submitted to the Commissioner through the chairman. This question, I may inform the Council, has nothing to do with the retention or abolition of the post of Commissioner. There is no doubt that this duty can be performed very well by the chairman without the interference of the Commissioner, but the question is as to which is the better course. A man is dissatisfied with the members of the board, and he submits his resignation. Why should the decision about the acceptance or non-acceptance of the resignation rest with the members of the board, with whom he has had a quarrel, and why should not an independent authority be vested with the power of accepting his resignation? To my mind the course provided by the Act is the better course.

Mr. Shakir Ali: I think the Hon'ble Minister has cast a reflection on the integrity of the board and the chairman. If the board has to occupy a responsible position it should not be hampered by any outside influence. To place it at every step under the thumb of the Commissioner or the District Magistrate is not desirable at all. The district board and the chairman have got their own independent existence, and I am clearly of opinion that they should be the proper persons to accept resignations. Under these circumstances, Sir, I have no alternative but to support the amendment.

Pandit Govind Sahai Sharma: I hope my honourable friend the member for Basti will excuse me if I remind him of the exhibition in this Council over the Hindu-Muslim controversy only two or three days ago. As the district boards will consist of Muslim and non-Muslim members, I think I will support the Hon'ble the Minister for Local Self-Government in keeping the Commissioner in this clause for accepting the resignation of a member of the board. Owing to the controversy over the Muslim representation, I think we have passed something from this House to the provinces at large, and taking the circumstances as they are, I say that we should not be so much afraid of sending the resignation to the Commissioner.

The Hon'ble Pandit Jagat Narayan: I never intended to cast any reflection on any board or its chairman, but as my friend has questioned the desirability of this procedure I shall have to be more explicit. In a large number of local bodies there are, unfortunately, different groups and parties, and differences exist which are based on personal or communal grounds. After a heated controversy or in a fit of passion a member submits his resignation. His resignation if placed before the board or the chairman might be readily accepted. But if the power is given to the Commissioner he would be able to find out whether the grounds of the resignation are sufficient or whether it is due to a personal quarrel between the members themselves. Before accepting the resignation, the Commissioner may allow some time to pass for passions to be cooled down and may persuade the member to remain in office. In these circumstances I think it is desirable that the power of accepting resignations of members of the board should remain in the hands of an independent outside authority like the Commissioner.

Mr. Zafar Husain: I am very sorry that the honourable gentleman from Agra (Pandit Govind Sahai Sharma) has taken a wrong course I think men like him do create racial animosity. I do not understand what was the justification for bringing in racial questions in the present discussion, but if that be the spirit with which he is moved, this racial question will ever remain unsolved. I will again protest against the speech which he has made, and I will ask him to abstain from saying any such thing in future.

The amendment was put and negatived.

The motion that clause 30 do stand part was put and adopted.

CLAUSE 31 (1).

Mr. Zafar Husain: I beg to move that in clause 31(1) (*a*) after the words "satisfaction of the board" the following be added:—

"Which thereupon recommended his removal."

[The Deputy President here took the Chair.]

Mr. Zafar Husain continued:

My object in moving this amendment is this. I consider that the board is the proper body which should decide whether a member should be removed from the board or not, and in case he absents himself from the meetings of the board and is unable to explain his absence to the satisfaction of the board, I fail to understand as to which will be the proper authority for reporting to the Government—I think the chairman through the Commissioner—but supposing the chairman is in any way opposed to the member who has absented himself and reports unfavourably to the Commissioner, the Commissioner would, in his turn, report to the Government, which would order his removal. But if the board has not given a verdict for his removal, I do not understand why the recommendation for his removal should be made to the higher authorities through the Commissioner. In most cases serious blunders occur. I think the board is the proper forum which should say whether the services of a member should or should not be retained and, on principle, I would strongly urge that some authority and some power should be given to it to enable it to carry out its opinions.

The Hon'ble Pandit Jagat Narayan: As an abstract principle I entirely agree with what has fallen from the lips of my honourable friend, Mr. Zafar Husain; but is he dealing with facts or only with principles? I can assure him that during the last 10 or 15 years there have been only one or two cases where this power was exercised by the chairman. Perhaps I will be justified in saying that this power was never exercised and will never be exercised by the chairman at all. That is the difficulty. Then again, if a member absents himself or neglects his duty for 9 or 10 months, and in the course of a year never attends any meetings of the board and takes no interest at all in the business of the board, there must be some remedy, and I think Mr. Zafar Husain will agree with me that it will be very difficult to do anything if this power is not possessed by the Government.

Mr. Zafar Husain: Under every section of this Bill power is reserved in the hands of the Government, and I fail to see that Government will lose its prestige if the power is not reserved to it in this one instance.

The amendment was put and negatived.

CLAUSE 31.

The motion that sub-clause (*a*) of clause 31(1) do stand part was put and adopted.

The motion that sub-clause (*b*) of clause 31(1) do stand part was put and adopted.

The motion that sub-clause (*c*) of clause 31(1) do stand part was put and adopted.

The motion that sub-clause (*d*) of clause 31(1) do stand part was put and adopted.

The motion that sub-clause (*e*) of clause 31(1) do stand part was put and adopted.

The motion that sub-clause (2) of clause 31 do stand part was put and adopted.

The motion that sub-clause (3) of clause 31 do stand part was put and adopted.

CLAUSE 32.

The motion that clause 32 do stand part was put and adopted.

CLAUSE 33.

The motion that clause 33 do stand part was put and adopted.

CLAUSE 34.

Mr. G. B. F. Muir: I wish to ask the permission of the House to move a formal amendment that the words "Within the meaning of section 31" be deleted. If honourable members will refer to clause (*c*) of sub-section (1) of section 31, they will see that that section has a reference to the present section. It says:—"Within the meaning of section 31." This is the substantive section and a reference here to section 31 has really no meaning, and the words should be omitted.

The motion was put and adopted.

The motion that sub-clause (1) of clause 34 as amended do stand part was put and adopted.

Babu Shankar Dayal: The section provides that a member of the board shall be punished by removal as well as under section 168 of the Indian Penal Code. I know it, Sir, that under the laws of Moses a man's sins are inherited by his sons and grandsons. But this section is rather peculiar. It says that a man shall be punished not only for his sins but for the sins of his partner. I have looked into all the volumes of laws of England, and I find a certain maxim there, that the law is measured with the Chancellor's foot. In this case the amendments are measured with the Minister's foot. I will leave it to the Hon'ble Minister. If he is of opinion that it is fair to punish a man both by removal as well as under section 168 of the Indian Penal Code, not only for his sins but for the sins of his partner, then I will accept his judgment. I leave it to him.

The Hon'ble Pandit Jagat Narayan: As I have not been able to understand what the honourable member meant when he said that something should be measured by the Minister's foot, I am unable to

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reply to it. If it was meant that section 34 incorporates something which has originated from me, I may remind him that this section word for word existed in the Municipalities Act as section 82, and that it was also part of the District Boards Act, section 38. This has been incorporated in this Act because it is considered to be a useful section. My friend will see the gravity of the offence. Here is a person elected by the people to represent their interests in the district board. He goes there as their representative; he gets information and he has a right to give vote in the meetings. And if by unauthorized means or surreptitiously he takes shares in contracts which are given by the board, then I think it is a thing which should be seriously dealt with. It is a fit and proper case where the man should be removed, and if necessary he should be punished under section 168 of the Indian Penal Code.

The motion that sub-clause (2) of clause 34 of the Bill stand part was put and adopted.

Mr. H. David: I wish to move a new clause immediately after clause 34.

The Deputy President: Yes.

Mr. H. David: Before I move the amendment I request for permission to change at the end of my new clause the words "one hundred" into "five hundred."

No objection having been raised by the Council the honourable member moved the following amendment:—

I wish to move that a new clause no. 35 be added in the following terms:—

> "The Government shall appoint by nomination a non-official representative of the Christian community to the district board in every district in which the number of rural Christian population is not less than five hundred."

I think in these provinces there is a large Christian population out in the districts. The Christian population that we have in towns is smaller than the number of Christians in rural parts. My object in moving this amendment is that such Christian population should also be given a chance in the administration of their local affairs. From the last but one census report I find that the number of Christians in the western districts has enormously increased. For myself I am of opinion that in all western districts the Christian population has greatly increased. I also understand that there are also big Christian zamindars in several districts. Then we have got large charitable institutions, such as schools, medical dispensaries and other things in the rural districts. My idea is that those who are in charge of such institutions will be of great use in the district boards. Sometimes they are placed at a very great disadvantage. In my own district of Mirzapur I find there are three Christian colonies out in the mufassil and one near Kachwa. Kachwa has got a medical dispensary and it is very much frequented by the population round about and even from some other districts on account of the popularity and skill of the doctor there. Now this colony is a little apart from the Grand Trunk road. For the last ten years they

have been trying to get a road which may give communication to the hospital. Nothing has been done so far. From this instance I try to impress upon the Council that if there be members from such colonies, they will be able to present their case before the district board and such difficulties would be removed. When this Bill was presented originally, the Hon'ble the Minister of Local Self-Government was kind enough to intimate that where there was a large Christian population and where there were persons willing to act, he would have no hesitation in appointing them. I hope he will still adhere to that assurance. What I desire is this that a special mention should be made in the Bill in regard to this community, so that where there was a reasonable number of Christians, nominations from this community may be made. I have been permitted to raised the figure of 100 to 500 as that number would be sufficient guarantee for ensuring that a proper person would be found. Of course I cannot go against the objection of my honourable friend from the other side, but I may inform him that by making this alteration my intention was to give the honourable members on the other side greater cause to think. I did not like that low figure of 100 and therefore I wanted to raise it to 500. In fact I am willing to raise it even to 1,000. However, so long as the Council is pleased to grant Christians the privilege of exercising their civic rights and of taking part in the administration of local affairs, I shall be quite satisfied.

The Hon'ble Pandit Jagat Narayan: I oppose the amendment. My first ground is that the amendment is not in order. If it was intended to move this amendment, it should have been moved when clause 12 was under discussion. After we have passed clause 12, the acceptance of this amendment would practically be overriding the decision which we have already arrived at. Therefore I request the Deputy President to decide that the amendment is out of order.

On the merits I am prepared to admit that the percentage of literacy in the Christian community is much higher than in any other community. I do sympathize, as I have previously said, with the endeavours that are being made by Mr. David in favour of his community, but on the other hand I would appeal to him just to pause and consider for one moment. It is very difficult for me to place all the reasons before this House, because I will then be on unsafe ground as I do not want to say anything which in any way would re-open the question of special communal representation that has been given to the Muhammadans. That is an accomplished fact and I have accepted it. But so far as the other communities are concerned, Government is not prepared to accept any separate communal representation for them, nor do I admit that there are any grounds for believing that the interests either of the Christian community, Sikh community or of the Jain community are separate from the general electorate. After all why is my honourable friend so anxious to secure separate representation in district boards? I have already stated that Government wherever necessary will give representation to the Christian community by nomination. Do not the Christians breathe the same air as the other tenants? Do they not live in the same abadi? Are not the roads used by them exactly the same as are used by the other tenants? Is there any danger of their rights being trampled upon? None whatsoever. As a matter of fact no questions of Christianity or any other religion will be discussed by these boards, nor have these district boards been given any power to interfere

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in religious matters. Therefore the difficulty is this that if we once concede this right to the Christians we will have to concede it to the other communities whose percentage of population is much higher. If I remember aright, the percentage of the Christian community throughout the province is less than 0·03. There are 48 districts, the Government is given power to nominate two members in every district and out of these 96 members I am asked practically to appoint 40 members from the Christian community which represents only 0·03 of the total population. When the report of the Rule 13 Committee was published for criticism, the only representation that was received from the Christian community was from Rev. Oakley of Almora, and no doubt the request that he made was reasonable. What he said was that, at least in the districts in the Kumaun division the Christian population was as much as the Muhammadan population and that therefore they should be given the same proportional representation; he made no further claim. Anyhow, as I said before, Government is under no circumstances prepared to admit that the interests of the Christian community as a class are separate, not on religious grounds but generally speaking, from those of the Hindus, Sikhs, Parsis or Jains. No doubt some representation is required for the Christian community and I have already promised that under the power which is given to the Local Government to appoint two members of the various district boards some Christians will be appointed where in the opinion of the Local Government it is necessary to do so. I cannot give any further promise beyond that.

Pandit Nanak Chand: I may point out, Sir, that the honourable mover of this motion had moved an amendment (No. 21 on the agenda paper) to clause 6 of the Bill which was rejected by the Council.

Mr. H. David: It was not even brought before the Council.

I thank the Hon'ble Minister for Local Self-Government for his sympathy, but in these days mere verbal sympathy goes for nothing. I find that he has tried his best to impress upon the Council and upon me that Government is not prepared to concede anything to the Christian community. I wish from the bottom of my heart to thank this so-called Christian Government. It is only this so-called Christian Government which has the effrontery to deny their civic rights to the Christians.

The Hon'ble Pandit Jagat Narayan: I have done nothing of the kind. I have not denied to them their civic rights. I said that Government was not prepared to give them separate communal representation.

Mr. H. David: I thank the Hon'ble Minister for this explanation, but I cannot understand what material there was before the Government to enable it to arrive at a conclusion so very unjust and so very unfair to the Christian community.

The Hon'ble Pandit Jagat Narayan: May I ask the Deputy President to decide my first objection as to whether the amendment is in order?

The Deputy President: There was a point raised by the Hon'ble Minister that this amendment was not in order, but I am afraid that the point was raised rather late, although he has a right to move it at any time. Secondly, the Hon'ble Minister did not confine himself to raising this point of order, but went on with his speech in reply to what

the honourable mover had said. However, I may say that this amendment is no doubt out of place. Its proper place was clause 6, but as it is an additional clause wanted to be added, I am not certain if it can be said to be out of order and therefore this motion will be put to the House.

Mr. H. David : I regret to understand that the Hon'ble Minister for Local Self-Government is not impressed with the disadvantages under which the rural Christians labour. I may tell him that Christians in the rural areas are not allowed to take water from the wells of the village. That is a disadvantage.

The Deputy President : The honourable mover should confine himself to replying to the arguments advanced and not make a fresh speech.

Mr. H. David : I was trying to explain the difficulties under which the rural Christians labour and those difficulties can only be removed if they be allowed a chance of bringing forward their grievances in the district boards, not as suppliants but as members. Then we have got a vast network of Christain educational institutions. Why should the Christians be denied the right of receiving help, of asking for help for their education? It is very easy to say that they can go along with other communities. I wish this Council and the Hon'ble the Minister for Local Self-Government had entertained a similar idea when they allowed a specific representation to the depressed classes only the other day. The depressed classes are classed with Hindus to all intents and purposes. They are Hindus by religion; they are Hindus by traditions; they are Hindus by all rites and ceremonies, and still they were allowed separate representation in addition to the Hindu representation.

The Hon'ble Pandit Jagat Narayan : No separate representation has been allowed.

Mr. H. David : I mean by specific nomination. Should these Christians be punished simply because they have adopted a religion which happens to be the religion of the ruling race? These Christians have been in India for two thousand years, and still we are discarded as something leprous, as something contaminating, as something to be disregarded. I therefore think it proper and fair that, when this Act is before the Council, specific mention should be made in respect of the rights of this community. I may disabuse the Council of an idea which seems to prevail that these Christians belong to low castes. I should like to say that this is not a fact. We have got amongst us zamindars, big zamindars. We have got also grantees. Take for instance the case of Gorakhpur and Azamgarh. Why should all these Christains be branded as quite unfit to sit on the district boards. I may inform the Council that there was a time in the history of this province when Kunwar Sheonath Singh of Tajpur stood as a representative of the zamindars. I do not know whether it was for this Council or the Imperial Council, but the result was that he was not elected, and this we did expect. Then, if we do not accept a Christian in the ordinary way, if we do not accept a Christian by nomination, where are these Christians to go? I think the Hon'ble Minister should have translated his sympathies into action and done something.

Mr. Shakir Ali: Would you allow me at this late stage to move an amendment to the motion proposed by Mr. David, because notice of this motion was given only on the 8th, but two days' clear notice is required by the rules?

The Deputy President: The honourable mover has spoken in reply and it is too late now to propose a new amendment.

The Hon'ble Pandit Jagat Narayan: It appears to me that my friend, Mr. David, was in an indignant mood and in his zeal, no doubt, he put certain things into my mouth which I never said. These are the outstanding facts. The Christians are hardly more than 0·03 of population. There will be, so far as the management of the district boards is concerned, no diversity of interests between them and the other part of the population. Secondly, there is a clause which has given the power of nomination to the Government. I have already said that, wherever necessary, care shall be taken that the Christian community is represented. Still he insists upon having about 40 Christians appointed by this amendment. I leave it to the decision of the Council as to whether the demand is fair. Now the only argument which he has put forward in his reply is about the depressed classes, but he forgets that there are lakhs and lakhs of the depressed classes in every district, namely, Chamars, Koris, etc., and if the vast majority of the population, if the vast majority of the men who are cultivators, could not enter into the district boards by means of election, the Government thought it necessary, and I think the honourable members will agree with me that it was meet and proper, to provide that at least one of them should be nominated on every district board. For these reasons I oppose the amendment.

The amendment was put and the Council divided as follows:—

Ayes (18).

Mr. H. W. Gill,
Mr. H. David,
Pandit Baijnath Misra,
Khan Bahadur Mr. Muhammad Ismail,
Nawabzada Muhammad Yusuf,
Mr. Zafar Husain,
Mr. Shakir Ali,
Lieut. Kunwar Jamshed Ali Khan,
Khan Bahadur Kunwar Inayat Ali Khan,
Munshi Ata-at-mand Khan Mujibee,
Khan Sahib Hakim Nawab Ali Khan,
Saiyid Janab Ahmad,
Lieut. Shaikh Shahid Husain,
M. Muhammad Zahur-ud-din Khan,
Khan Bahadur Shaikh Saiyid Muhammad,
Mr. Jafer Hosain,
Babu Shankar Dayal,
Khan Sahib Abdul Baqi Khan.

Noes (48).

Raja Indrajit Pratab Bahadur Sahi,
Major D. R. Ranjit Singh,
Major Kunwar Shamsher Bahadur Singh,
Rao Sheo Dhyan Singh Sahib,
Chaudhri Sardar Singh,
Pandit Balbhadra Prasad Tiwari,
Raja Shambhu Dayal,
Chaudhri Sher Singh,
Lala Shadi Ram,
Raja Harpal Singh,
Sardar Birpal Singh,
Babu Chhail Bihari Kapur,
Rai Bahadur Kunwar Dillipat Shah,
Rai Indra Narayan,
Rai Rajeshwar Bali,
Thakur Hanuman Singh,
Thakur Prasidh Narayan Singh,
Rai Thakur Mashal Singh Bahadur,
Mahant Parmanand Gir,
Babu Gendan Lal,
Rai Gopal Das Sharma Sahib,
Thakur Jagannath Bakhsh Singh,

Ayes (18).

Noes (48).

Pandit Govind Sahai Sharma,
Lieut. Kunwar Nand Lal, Rai Bahadur,
Pandit Iqbal Narayan Gurtu,
Pandit Nanak Chand,
Mr. Ajodhya Das,
Rai Kishori Lal Sahib,
Rai Sita Ram Sahib,
Rai Vikramajit Singh Bahadur,
Mr. G. B. Lambert,
Pandit Hirday Nath Kunzru,
Lieut. Raja Hukm Tej Pratab Singh,
Munshi Narayan Prasad Ashthana,
Mr. H. de L. Ross,
Mr. L. S. White,
Mr. A. H. Mackenzie,
Lieut.-Col. A. W. R. Cochrane,
Mr. C. M. King,
Mr. G. B. F. Muir,
The Hon'ble Pandit Jagat Narayan,
The Hon'ble Mr. C. Y. Chintamani,
Mr. H. M. Leake,
Mr. A. W. Pim,
Mr. A. C. Verrières,
Mr. A. B. Reid,
Mr. R. Burn,
Mr. S. H. Fremantle.

The amendment was therefore negatived.

The Council here adjourned for lunch. After the adjournment the Hon'ble the President resumed the Chair.

CLAUSE 35.

Mr. Zafar Husain : I beg to move that for the words "some person qualified for election as a member" the following words be substituted:—

"Some person who ordinarily resides in the district and commands the confidence of the board."

Under clauses 9 and 12 of the Bill certain disqualifications for an elector are laid down. The principle underlying this amendment, however, is that if a person of high social status has been sentenced for political offences for a period exceeding six months, he should be entitled to be elected as chairman of the board, if it so desires and if it has confidence in him; but the chief condition is that he should be a resident of that district. Anyone who is not a resident of the district should not be elected as chairman. This principle was originally contained in clause 35 of the Bill, but I fail to see why such restriction should be placed on the choice of the board. There may be several persons of high social status who have been convicted; but when they return, they will not be eligible for election as chairman. In order to remove this restriction imposed on the board I desire to move this amendment.

The Hon'ble Pandit Jagat Narayan : I do not accept the amendment.

The motion was put and negatived.

Rai Thakur Mashal Singh Bahadur: With your permission, Sir, I wish to delete the words "or member" from my amendment, which runs as follows :—

After the word "no" and before the words "Government servant" in clause 35, sub-clause (1), of the Bill insert the following :—

"person who is already an office-bearer or member of some other local board or who is a"

The Hon'ble the President : There being no objection the honourable member can move the amendment as altered.

Rai Thakur Mashal Singh Bahadur: I have proposed this amendment in order to debar the office-bearers of other local boards from being elected as chairmen of the district boards. Questions frequently crop up where the interests of the district board clash with those of the municipal or other local board. It is but natural that residents of rural areas will take a keener interest in the affairs of the district boards than those residing in urban areas. It is also certain that when the chairman of the district board is a non-official, he will have to devote more attention to his work, and so will the non-official members; but if he has to do the work of both the district board and municipal board, it will suffer. Such men are not wanting as would like to be elected as chairmen of both the municipal and district board, but I think the legislature should provide that this should not be the case. An objection might be raised that, where efficient administrators who have taken part in municipal work are forthcoming, they should not be debarred from working as chairmen of district boards. The object of my amendment is that such men will simply have to resign their office as vice-chairman or chairmen of the municipal board, and then they may be elected as chairmen of the district board. With these words, I commend the amendment for the acceptance of the Council.

The Hon'ble Pandit Jagat Narayan : I wish to substitute the words "officer of a municipal board" for the words "office-bearer of some other local board."

Rai Thakur Mashal Singh Bahadur : I have no objection.

The motion, as amended, was put and adopted.

Pandit Nanak Chand: I move that in clause 35, sub-clause (1), for "full-stop" substitute "comma" and add "provided further that the candidate elected shall be able to read and write English." If the chairman appointed is unable to read and write English, I am afraid he will be merely a tool in the hands of his secretary. A good deal of correspondence will pass between the chairman of the board, the Commissioner, the Local Government and the public; and if the chairman is not in a position to understand that correspondence he will be led by his secretary. I therefore think that in the interests of the efficient administration of the boards it is highly desirable that a chairman should possess this qualification.

The Hon'ble Pandit Jagat Narayan : I leave the matter to the decision of the Council.

Thakur Manak Singh: I desire to accord my support to the amendment of my friend Pandit Nanak Chand.

The motion was put and the Council divided as below :—

Ayes (17).

Major D. R. Ranjit Singh,
Mr. Zafar Husain,
Chaudhri Sher Singh,
Thakur Hanuman Singh,
Rai Sheo Charan Lal Sahib,
Pandit Govind Sahai Sharma,
Pandit Nanak Chand,
Thakur Manak Singh,
The Hon'ble Sir Ludovic Porter,
Mr. H. S. Crosthwaite,
The Hon'ble Mr C. Y. Chintamani,
Mr. F. F. Sladen,
Mr. F. F. R. Channer,
Mr. H. de L. Ross,
Kunwar Jagdish Prasad,
Mr. A. W. Pim,
Mr. A. C. Verrières.

Noes (32).

Mr. R. Burn,
Mr. Shakir Ali,
Babu Gendan Lal,
Rai Gopal Das Sharma Sahib,
Mr. A. B. Reid.
Lieut. Raja Hukm Tej Pratab Singh,
Thakur Jagannath Bakhsh Singh,
Rai Sita Ram Sahib,
Rai Kishori Lal Sahib,
Pandit Iqbal Narayan Gurtu,
Pandit Hirday Nath Kunzru,
Rai Vikramajit Singh Bahadur
Munshi Narayan Prasad Ashthana,
Babu Parmeshwar Dayal Amist,
Mr. G. B. F. Muir,
Mr. S. H. Fremantle,
The Hon'ble Pandit Jagat Narayan,
Mr. C. M. King,
Mahant Parmanand Gir,
Rai Thakur Mashal Singh Bahadur.
Thakur Parsidh Narayan Singh,
Khan Sahib Abdul Baqi Khan,
Lala Shadi Ram,
Raja Shankar Sahai,
Rai Kunwar Parmanand Bahadur,
Raja Shambhu Dayal,
Rai Rajeshwar Bali,
Rai Kunwar Dillipat Shah Bahadur,
Raja Harpal Singh,
Pandit Soti Vishnu Swarup,
Rai Jodh Singh B. Negi Bahadur,
Mr. G. B. Lambert.

The amendment was therefore negatived.

The motion that clause 35 as amended do stand part was put and adopted.

CLAUSE 36.

The motion that clause 36 do stand part was put and adopted.

CLAUSE 37.

The motion that clause 37 do stand part was put and adopted.

CLAUSE 38.

The motion that clause 38 do stand part was put and adopted.

CLAUSE 39.

The motion that clause 39 do stand part was put and adopted.

CLAUSE 40.

Mr. G. B. F. Muir: I move that the word "section" be substituted for the word "sections" in the last line of clause 40(*b*).

The amendment was put and adopted.

The motion that sub-clause 40(*b*) as amended do stand part was put and adopted.

The motion that clause 40 as amended do stand part was put and adopted.

CLAUSES 41 TO 56.

The motion that clauses 41 to 56 do stand part was put and adopted.

CLAUSE 57.

Thakur Hanuman Singh: I rise to move that in sub-clause (1) of clause 57 of the Bill the following words be added to the proviso:—"at least two-thirds of such co-opted members shall be from amongst the enrolled electors."

In moving this amendment I have not much to say. My reason for moving it is that these men who are entered on the electoral roll should have a preferential claim to be members of this committee to those who are not entered on the electoral roll. With these remarks I commend the motion for the acceptance of the Council.

The Hon'ble Pandit Jagat Narayan: One of the objects of this clause was to give power to these boards to co-opt a person who was an expert. The result of the acceptance of this amendment will be that for the addition of every expert they will have to co-opt two other members at least from among those who are on the electoral roll. I do not think that this is the intention of my honourable friend who has moved the amendment. The amendment as at present worded means that if such a committee wants to have expert advice on any matter and for that purpose co-opts an expert, such as a Health Officer, Engineer or somebody else, then it will have to add two other persons who are enrolled as electors. This is the difficulty in the way of accepting this amendment and I do not think my honourable friend wants to create confusion in the matter.

Thakur Hanuman Singh: It is certainly not my intention to create any confusion. I think that there will be sufficient margin left for the committee to exercise their discretion in having the services of an expert. I only say that two-thirds of the co-opted members should be electors and in that case a margin of one-third is left for experts to be co-opted.

The amendment was put and negatived.

Mr. G. B. F. Muir: I move that the words "save as regards a disqualification on the ground of sex" be omitted from sub-clause (2) of clause 57 as they are no longer necessary.

The amendment was put and adopted.

The motion that sub-clause (2) as amended do stand part was put and adopted.

The motion that clause 57 as amended do stand part was put and adopted.

CLAUSES 58 TO 61.

The motion that clauses 58 to 61 do stand part was put and adopted.

Clause 62.

Rai Thakur Mashal Singh Bahadur: I beg to move that the following proviso be added to sub-clause (1) of clause 62 :—

> "Provided that each tahsil committee so formed shall have the power to add to its number by co-opting additional members from amongst the persons enrolled as electors in the tahsil. The number of such additional members shall not exceed one-half of the number of ordinary members and their term will terminate with that of the ordinary members."

The proposed constitution of the tahsil committee is to my mind unsatisfactory and too meagre to achieve the objects for which such committees are meant. It would be expedient that persons of local importance other than members of the board possessing intimate knowledge of the interior of the rural areas should be allowed to sit on these committees. Such a provision added to the Bill will serve a two-fold object. In the first place, by the addition of such persons the committee will profit by their special knowledge and experience of the conditions of the circles from which they come, and secondly, these persons will acquire valuable experience and training which would enable them to be more useful members of the board in future. Furthermore, such addition will strengthen the hands of the tahsil committees and enlist support for their actions from various quarters. It will be difficult for a few persons representing a tahsil on the board to undertake the internal management of the rural affairs of the entire tahsil; but if they are allowed to add to their number as proposed, the administration of rural affairs will become easier and more convenient.

The Hon'ble Pandit Jagat Narayan: I have no objection, Sir, to accepting the amendment, but the difficulty would be about the wording of it. Before doing so I would draw the attention of the Council to clause 57, and if after reading clause 57 the honourable mover thinks that it is still necessary to give the power of co-option to these tahsil committees, then the matter will be deserving of consideration because as a matter of fact under clause 57 power is given to co-opt men, who have got local experience and knowledge, as members of tahsil committees. The only difference is that as money will be placed at the disposal of these men and that as they will be given some executive powers, the Bill contemplates that these local co-opted members should be appointed by the Board and not by the tahsil committees. Even if it is intended that the tahsil committees should have the power of co-option, then I will ask the honourable mover to accept the amendment that under no circumstances should these co-opted members be more than two. I will be prepared to accept it, but I think that, unless I wrongly interpret clause 57, the amendment cannot be moved. But if it is considered that the amendment is necessary and can be moved, I will be prepared to accept it, with this condition attached that under no circumstances the co-opted members shall be more than two. I think I have

[The Hon'ble Pandit Jagat Narain.]

made my position clear. I will read out section 57, which runs as follows:—

"(i) Notwithstanding anything contained in this Act it shall be lawful for a board by a resolution supported by not less than one-half of the whole number of members for the time being to appoint as members of any committee established under sub-section (i) of section 56, or any tahsil committee, any persons of either sex who are not members of the board, but who, in the opinion of the board, possess special qualifications on such committee:"

There this power is given. The only difference is that that power is not to be exercised by the tahsil committees but by the board. But if it is intended that this power should also be given to the tahsil committees, then I would suggest a modification of the wording of the proviso which is somewhat defective and would be prepared to accept it with this modification that under no circumstances should these co-opted members be more than two.

Rai Thakur Mashal Singh Bahadur: I am prepared to reduce the number of co-opted additional members from one-half to one-third of the number of ordinary members, but not to two or three.

The motion was put and the Council divided as follows:—

Ayes (22).

Kunwar Jagdish Prasad,
Mr. H. S. Crosthwaite,
Babu Chhail Bihari Kapur,
Rai Kunwar Parmanand Bahadur,
Rai Kunwar Dillipat Shah Bahadur,
Raja Shambhu Dayal,
Raja Shankar Sahai,
Pandit Balbhadra Prasad Tiwari,
Mr. K. P. Singh,
Thakur Parsidh Narayan Singh,
Rai Thakur Mashal Singh Bahadur,
Rai Rajeshwar Bali,
Mr. Zafar Husain,
Thakur Hanuman Singh,
Raja Harpal Singh,
Khan Sahib Hakim Nawab Ali Khan,
Mahant Parmanand Gir,
Rai Vikramajit Singh Bahadur,
Pandit Govind Sahai Sharma,
Pandit Iqbal Narayan Gurtu,

Noes (28).

Lieut. Raja Hukm Tej Pratab Singh,
Thakur Jagannath Bakhsh Singh,
Major D. R. Ranjit Singh,
Rai Jodh Singh B. Negi Bahadur,
Pandit Soti Vishnu Swarup,
Khan Sahib Abdul Baqi Khan,
Mr. F. F. Sladen,
Mr. S. H. Fremantle,
Mr. A. W. Pim,
Lieut.-Col. A. W. R. Cochrane,
Mr. M. H. Leake,
Mr. A. C. Verrières,
The Hon'ble Pandit Jagat Narayan,
The Hon'ble Mr. C. Y. Chintamani,
Babu Gendan Lal,
Pandit Baijnath Misra,
Khan Bahadur Mr. Muhammad Ismail,
Pandit Nanak Chand,
Rai Kishori Lal Sahib

Ayes (22).

Pandit Hirday Nath Kunzru,
Babu Shankar Dayal.

Noes (23).

Munshi Narayan Prashad Ashthana,
Rai Sita Ram Sahib,
Rai Sheo Charan Lal Sahib,
Mr. G. B. F. Muir,
Mr. C. M. King,
Mr. A. H. Mackenzie,
Mr. G. B. Lambert,
Mr. F. F. R. Channer,
Mr. H. de L. Ross.

The motion was accordingly negatived.

CLAUSE 62.

The motion that clause 62 stand part was put and adopted.

CLAUSES 63 AND 64.

The motion that clauses 63 and 64 stand part was put and adopted.

CLAUSES 65 TO 69.

The motion that clauses 65, 66, 67, 68 and 69 do stand part was put and adopted.

CLAUSE 70.

Thakur Hanuman Singh : I rise to move an amendment to clause 70 of the Bill, which runs thus :—

In line 2 put a comma after the word " secretary " and between the word " secretary " and the word " who " insert the words " subject to the approval of the Local Government " and add the following proviso at the end of this section :—

" As far as may be, the board will try to take loan of the services of executive officers or of officers in the inspecting line of the Educational department of the Government."

My intention in moving this amendment is that the boards should not be allowed unrestricted power in the appointment of their secretaries. If they will have unrestricted power there is every reason to believe that in the majority of cases they will appoint men who will be incompetent and inexperienced, owing to which there will be every likelihood that the work of the boards will suffer. I may say, Sir, that, in future, the chairmen of district boards will be non-officials and their members will not be generally experienced members, so without tried and competent secretaries the work of the boards will suffer much. Who will be the chairman can be presumed. Men of business cannot devote their whole time for the working of the board, and all those taluqdars, zamindars or mahajans who are likely to be appointed chairmen will be inexperienced men and at the same time will not be able to give much time and attention to the work. Those boards which will be able to get as their chairmen retired Government officials of course will be very fortunate, and I may say that there are in rural areas some educated zamindars and other gentlemen who, if appointed chairmen, will be very competent men for the office; but experience will be wanting in them. Even in their case experienced secretaries will be needed. If there will be no restriction on the power of the boards in this respect, then I can say that all the candidates

[Thakur Hanuman Singh.]

who will be successful canvassers by all means in their power will succeed to get the job. The Collector's choice will probably prevail, because when he will express himself in favour of a certain candidate, I do not think the members of the board will have the courage not to vote for him. If the Collector and the members of the board know that the Government can interfere in the matter, the former will recommend to the board a competent man, and the latter will think twice before giving their votes in favour of anybody. At the same time the Hon'ble the Minister for Local Self-Government will get an opportunity of seeing that suitable men are engaged for carrying on the work of a secretary of the district board. The Council can imagine how an incompetent secretary can spoil the work of a district board. The Bill provides that unless a resolution for the dismissal of a secretary is passed by two-thirds of the members, his services cannot be dispensed with. Now, for any secretary it cannot be impossible to gain the good opinion of more than one-third of the members, and if that be the case, he will be able to remain in his office for at least thirty years. If my amendment is accepted and if experienced men are appointed as secretaries to the board from Government service, they will always have the fear of losing their posts under Government, which will be more valuable to them than a post under district board. If their work is in any way unsatisfactory, the boards can request the Government to call them back. It may be urged against my amendment that the district boards will not get opportunities, if officials are appointed as secretaries, to learn the work of self-government, but I say that a large amount of money will be placed at the disposal of the district boards, and for that reason alone it is highly desirable that for some years to come they should have efficient experienced secretaries. With these words I place the amendment for acceptance before the House.

Mr. S. H. Fremantle: My honourable friend, the member for Ballia, has explained to the House the risks which, in his opinion and in mine, attend the proposal in the Bill to give uncontrolled powers to the district board in the matter of the election of a secretary. I have only a few words to add to what he has said. The chairman is to be a non-official. There is to be no executive officer. Inevitably a great deal must depend on the secretary. Now, boards of any kind are not particularly good authority for the appointment of any one, as the old saying is "they have neither body to be kicked nor soul to be damned." It is highly desirable that in some way their responsibility should be emphasized in order to prevent appointments of people who can raise the greatest influence locally. When once a man is appointed, as the mover showed, he has only to get on his side one-third of the members of the board to remain in his position for twenty or thirty years—a matter to which I called attention in my note of dissent to the Select Committee's report. I heard of a case the other day of a secretary of a municipal board who had been appointed many years ago in the time of the official chairman. He gradually grew lazier and lazier and fatter and fatter, so that at the present time he weighs four maunds *pakka* and in the district he is called "immovable property" because he cannot get up from his chair and move about. Well, I have no doubt he can still get one-third of the members of the municipal board of that particular place to vote for his being retained there. As I said in my

note of dissent, I think that it is necessary that some control should be exercised over the board's choice. I have an amendment on the paper to do it in another way, but if that is not accepted I think it is necessary that it should be done in the way proposed by the mover. If the sanction of Government is required, at least it will have the effect of making the board go carefully into the applications made before it, and justify the appointment by giving substantial reasons. The provision made in the amendment that he should ordinarily be taken from either the Executive or the Educational Service will have no legal effect, but still it will do no harm as indicating to the board that it would be better if they appointed a man of administrative or executive experience. In one matter undoubtedly it would have a very great effect. I know of more than one secretary of the district board who is a very earnest and hard-working officer but cannot control his subordinates; and if you take a man who has not had administrative experience it is very likely that that is the kind of man you will get.

I therefore support the mover's proposal. I do it in the cause of local self-government, in the cause of the smooth and efficient working of the new system, and as having some good effect in easing the transition from the old system to the new.

Mr. Muhammad Ismail: So far as I can understand, the function of a secretary is not to control the board. The secretary is supposed to carry out the policy and orders of the board. If the board is incompetent, if it does not understand its duties, in that case you will find that the secretary, whether he be a non-official elected or appointed by the board or whether he be a Government official, he will be absolutely helpless. If he is a Government officer, probably he will have to resign and go back to his post. If he is a non-official, he will carry on as best as he can with the board. It entirely depends on the capacity of the board, the members, and the chairman whether a secretary can make himself useful or otherwise. So far as I am aware, at present in the United Provinces a very large number of secretaries are non-officials appointed by the boards. I myself have had considerable experience of the municipal board, and I have not found any difficulty in getting on with a non-official secretary appointed by the board, who was in no way responsible to the Government. I have no doubt that there would be unfortunate cases, but in this Act you will find that ample provision has been made for the control of the board in chapter IX, sections 173 to 180. The honourable member who preceded me has pointed out the case of a secretary who happened to suffer from obesity. But I am afraid that that complaint is not confined to non-officials only. I know of one or two officials in the executive service also who, to quote the language of the Hon'ble the Home Member, suffered from superfluous adipose tissue. Therefore I submit that the amendment narrows down the powers of the board to a great extent. If the choice had been given of appointment of officials or non-officials, subject to the approval of the Commissioner or whatever officer he may be, there would have been no objection to it. But to restrict it to officers of a particular class, I do not think would be proper; that would be limiting the powers of the board and would not be fair to the board itself. In fact you will find that if the secretary is appointed over the head of the board he could never get on. If he happens to be a deputy collector or a tahsildar accustomed to hold on executive position, accustomed to order about people under him,

[Mr. Muhammad Ismail.]

he will find that he has got to obey a number of petty zamindars whom he has been in the habit of keeping waiting outside in the verandah. It will be an unfortunate position for him to find that he will have to obey the orders of persons who are in a way inferior to him socially and in intelligence. He could do no good, but great harm. As far as I can see from the language of the clause, there is nothing to restrict a board from appointing an executive officer, subject, of course, to the approval or sanction of the Local Government. If there is a desirable man whom the board wants, it can always apply to the Government for his services and the Government can transfer him.

I would ask the honourable members to consider the situation in the light of these facts and to reject the amendment.

Pandit Govind Sahai Sharma: I may remind the House that the district boards are not going to be a new thing in this province. We have already got a secretary in each and every district board, and these secretaries are generally appointed by the official chairmen of the district boards. Am I to understand that all these secretaries of the different district boards in the province who have been appointed by the official chairmen are good-for-nothing? Are they, with the introduction of this amended District Boards Act going to be done away with simply because they are good-for-nothing? If that is so, I may ask the honourable mover and the supporter of this amendment why it was that all these people were appointed as secretaries of the district boards. I submit, Sir, that when we have already got secretaries in all the district boards, let us try them, and if any district board finds that the existing secretary is not a proper or a desirable person, it can appoint a new man and—as has been remarked by my friend the previous speaker—the board can apply to the Government for an executive officer. But to make it a rule that each and every board should or must have a deputy collector or a tahsildar would simply mean that the boards would have no discretion and no freedom of selection.

It has been remarked by my honourable friend that the board should be controlled by the official secretary, as if to say the members of the board are to be guided and controlled like sheep and cattle by the official secretary.

With these few words I would request the House to oppose the amendment.

[The Deputy President here took the Chair.]

Pandit Baijnath Misra: I know it from experience that whenever a post of secretary falls vacant in the district board, there are numerous difficulties in the way of appointment, and one of these serious difficulties is canvassing. Secretaries are appointed or are likely to be appointed even under the provisions of this clause not because they have special capacity for doing the work of the district board, but because they have carried a majority of votes of the members. I find that the clause does not provide a remedy for this evil; but at the same time the amendment to the clause that has been proposed by the honourable member for Ballia, especially the second part of it, restricts the choice of the board to a certain class of people. As it was remarked by one honourable speaker, the clause as it stands does not restrict the choice of the board

in the appointment of officials. Officials or non-officials can be appointed under that clause, while the second part of the amendment as it stands restricts the choice of the board to a particular class.

Therefore, Sir, I oppose the second part of the amendment which has been moved, but I feel no hesitation in supporting the first part, which says that the appointment shall be made subject to the approval of the Local Government. I support this part of the amendment not because I do not believe in the capacity of the board to appoint a satisfactory man as secretary, but simply because, if this clause in the amendment is added to the substantive clause, it would be a sort of check on the members of the board in the selection of the secretary. The secretary will be appointed not because he carries favour with the majority of the members, but because he has the capacity. Those who will vote for a secretary will know that the case will have to go to the Local Government and they will think twice before they give their votes for a man who has not the requisite capacity.

I therefore support the first part of the amendment and oppose the second part and would request that this amendment be put in two parts.

The Hon'ble Pandit Jagat Narayan: The amendment before the House consists of two parts. The first part runs thus :—

"In line 2 put a comma after the word "secretary" and *between* the word "secretary" and the word "who" *insert* the words "subject to the approval of the Local Government."

The second part runs thus :—

"As far as may be, the board will try to take loan of the services of executive officers or of officers in the inspecting line of the Educational department of the Government."

With regard to part 2, I have only to remark that it is no more than a pious wish, and a pious recommendation and cannot find a place in the Bill.

With regard to part 1, I appreciate and recognize the force of the argument that has been advanced in support of getting the sanction of the Local Government in such matters. The post of the future secretary will be analogous to a very large extent to the post of the executive officer of municipalities. Under the Municipalities Act, the appointment of all such executive officers is subject to the sanction of the Local Government. I do not think that it can be urged with reason that during the last six or seven years the Local Government has in any way wrongly interfered with the discretion that was exercised by the local bodies. This matter was debated in the Select Committee and there was strong prejudice against the power of the board being restricted in any way. This prejudice is no doubt due to the fact that wherever a deputy collector or a tahsildar was appointed, he never cared for the members; he treated them with contempt; he was practically a servant of the district magistrate and no doubt the result is that there is a strong feeling that if in future any secretary is appointed he should not be a Government servant. If the Council is prepared to give this power to the Government I do not think the interests of the district boards will suffer and I will be very glad to have this power. Honourable members will agree with me (and I have some experience of the way in which appointments are made in the municipal boards) that the way in which these appointments

[The Hon'ble Pandit Jagat Narayan.]

are sometimes made is highly objectionable. A lot of canvassing goes on and the applicant who secures a large number of recommendations secures the post. Therefore the mere fact of their just getting the sanction or approval of the Local Government will not in any way injure the cause of local self-government. So far as I am concerned, I know and admit that there is a strong prejudice that in future, this discretion of the district board should not be interfered with. Further, there is already a large number of district boards where the secretaries are non-officials. I do not think that it is contemplated by the Government that all those old servants should be dismissed. So practically if this power of sanction is given to the Local Government it can only be exercised in the case of those who are newly appointed. On behalf of the Government I say that if the honourable members are prepared to give it the power it shall be exercised in the best interests of the district boards.

Rai Kunwar Parmanand Bahadur: So very much really depends upon the efficiency—using that word in a broad sense—of the secretary of a district board that the motion now before the House deserves the Council's most earnest attention. On the facts as stated there does not appear to be much room for dispute or discussion. It is said on the one hand that the freedom of the district boards should not be interfered with unless it is absolutely necessary to do so. On the other hand, there is a feeling, and a strong feeling, that the efficiency of the work would so largely depend on the efficiency of the secretary that in the matter of this appointment no mistake should be made. The motion placed before the House by the honourable member from Ballia divides itself into two parts. It is the first part which is essential and necessary. The second part is nothing more than a mere recommendation. In considering whether the motion should or should not be accepted; it is the first part to which alone attention should be paid. It is evident that the mover had before him both the important points when he drafted the amendment. He realized that district boards should not be fettered too much in this respect. There is no doubt a good deal in what was said by some honourable members on that side of the House that a Government executive officer is less likely to pull on smoothly with a board than a total outsider. On the other hand, precision in work, despatch of business and control of office are all matters which can be properly expected in one who has had experience. Whatever may be the other defects in a Government official he certainly does acquire the habit of working in a regular and businesslike manner. As district boards would have to take the initiative and make selections and as the Government is only to give its approval I think the amendment combines all the advantages that one would look forward to. It does not unnecessarily fetter the discretion of the district boards. On the other hand it does afford some guarantee that work would be done properly and in a businesslike manner. For these reasons I am in favour of the amendment and beg to support it.

Babu Parmeshwar Dayal Amist: The amendment which has been proposed by my honourable friend appears to be without any significance. It is still left discretionary with the boards whether or not to take a loan of officers from the Education department or from the Executive

department. So the amendment is as useless as anything. If the provision in the Bill remains as it is, the boards will still have power to take the loan of any officer whom they may appoint as secretary. So I do not think I need say anything more on this clause. It gives sufficient power to district boards, and when it does not restrict that power and say that officials or a particular class of officials should be appointed, why should this amendment be made, when it does not place on the board any statutory obligation to take its secretary from a particular class of persons.

As regards the question of sanction of the Local Government for the appointment of secretary, I am sorry I have to differ from the Hon'ble the Minister for Local Self-Government. The boards have to deal with their secretaries; they have to select their secretaries by a majority of votes; they only know who is the best person with whom they can deal. The Local Government is not all-knowing; is not omnipresent; it cannot know which person will be suitable for a particular board. Formal reports will come to the Local Government and it will sanction the appointments. If it differs from these reports then tension will be created in the boards for nothing and the work will suffer. As regards the obligation of appointing Government servants as secretaries of district boards I should say one word. The financial position of the district boards should also be taken into consideration in this connection. We all know that most of the district boards in the province are deficit boards. They cannot afford to spend more money. There are only two departments which consume most of the revenue of the district board. They are education and public works. Now, no doubt a man who has got some experience of these departments can better serve as secretary. But it is not necessary, and in all cases it is not possible, that an officer of one of these departments can be had who will be a successful secretary. Besides, the technical knowledge of any of these departments is not the only essential qualification of a secretary. The secretary should possess something more. The secretary has to do executive work. He has to control and command the subordinate officials who are working under him. In such circumstances the secretary must have something more than a technical knowledge of a particular department.

Again, if you appoint a Government servant, of course he must be one with experience and of not less than the position of a deputy collector. The pay of deputy collectors has at present risen very high and I think half the boards in the provinces will not be able to afford that large amount of pay. Their pay according to the time-scale will be increasing from year to year. I do not see any reason why if you have got a non-official man on lower salary able to do the work of the secretary he should not be appointed in place of a Government man on the higher salary. I do not think a tahsildar or a deputy inspector or an officer of the subordinate grade of the Public Works department can be relied upon to do good work as secretary of the board.

These are the two considerations upon which I beg to differ from the views of the honourable mover and the opinion expressed by the Hon'ble the Minister for Local Self-Government and hence I oppose the amendment.

Thakur Hanuman Singh: I think my amendment is a very harmless one. If it is adopted it will do much good to the working of

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These are the two considerations upon which I beg to differ from the views of the honourable mover and the opinion expressed by the Hon'ble the Minister for Local Self-Government and hence I oppose the amendment.

Thakur Hanuman Singh: I think my amendment is a very harmless one. If it is adopted it will do much good to the working of

[Thakur Hanuman Singh.]

the district boards. One of the members was pleased to remark that non-official secretaries are not incompetent. I never said in my speech that non-official secretaries were always incompetent. What I meant to say was that it was likely that under the new powers given to the boards under this Act they may misuse their powers. Then it has been said that district boards were like municipalities and that municipal secretaries have been doing good work. The district boards cannot be compared in that respect to municipalities because in the municipalities the members are mostly educated, while in the district boards the members will come mostly from rural areas with little or no education. It will be very hard for them to understand the principles on which district board work should be carried on. It has been said that the district boards are not new things. I say that in very many respects the district boards will be quite new things. If the district boards be not new, then for the matter of that this Council too is not new. I never meant by what I said that the present secretaries who are doing good work should be removed after the formation of the new boards. They will be excellent men if they are retained in their posts and will help the boards in their working. One of the speakers has said that if an official secretary is appointed, he will treat the members of the board as sheep and cattle. My reply to this is, that if the members of the board are really sheep and cattle, then they will be afraid of the official secretary, but if they are not, they will not be afraid even of a lion. The board should guide the secretary and control his actions as master. If a board consists of competent men, then the secretary cannot in any way override their intentions. If the boards will appoint their secretaries subject to the approval of the Government, I think they will be very careful in nominating men for appointment as secretaries.

As regards the second part of my amendment, I think it will be entirely within the discretion of the board whether to take into the board's service any official secretary or not. It will in no way be binding on them that an official secretary should always be appointed if the amendment is allowed to pass.

The Deputy President: I propose to put the amendment in two parts.

The first part of the amendment that in line 2 of clause 70 of the Bill a comma be put after the word "secretary," and the words "subject to the approval of the Local Government" be inserted between the word "secretary" and the word "who," was put and the Council divided as below :—

Ayes (16).

Rai Jodh Singh B. Negi Bahadur,
Thakur Hanuman Singh,
Rai Kunwar Dillipat Shah Bahadur,
Raja Shambhu Dayal,
Pandit Iqbal Narayan Gurtu,
Munshi Narayan Prasad Ashthana,
Pandit Baijnath Misra,
Kunwar Jagdish Prasad,
Mr. G. B. F. Muir,

Noes (26).

Thakur Jagannath Bakhsh Singh,
Pandit Govind Sahai Sharma,
Pandit Nanak Chand,
Rai Kishori Lal Sahib,
Babu Parmeshwar Dayal Amist,
Rai Vikramajit Singh Bahadur,
Pandit Hirday Nath Kunzru,
Khan Bahadur Mr. Muhammad Ismail,

Ayes (16).

Mr. H. S. Crosthwaite,
Mr. C. M. King,
Rai Kunwar Parmanand Bahadur,
Mirza Muhammad Sajjad Ali Khan,
Lt.-Col. A. W. R. Cochrane,
Mr. A. W. Pim,
Mr. S. H. Fremantle.

Noes (26).

Mr. Zafar Husain,
Thakur Manak Singh,
Khan Sahib Hakim Nawab Ali Khan,
Major D. R. Ranjit Singh,
Rai Rajeshwar Bali,
Babu Shankar Dayal,
Rai Sheo Charan Lal Sahib,
Lt. Raja Hukm Tej Pratab Singh,
Mr. Shakir Ali,
Rai Thakur Mashal Singh Bahadur,
Thakur Parsidh Narayan Singh,
Mahant Parmanand Gir,
Pandit Soti Vishnu Swarup,
Raj Shankar Sahai,
Pandit Balbhadra Prasad Tiwari,
Mr. K. P. Singh,
Rai Gopal Das Sharma Sahib,
Babu Gendan Lal.

The amendment was therefore negatived.

Thakur Hanuman Singh: I beg to withdraw the second part of my amendment.

The Deputy President: You cannot withdraw it now.

The second part of the amendment that "As far as may be, the board will try to take loan of the services of executive officers or of officers in the inspecting line of the Educational department of the Government" be added as a proviso to clause 70 of the Bill, was put and negatived.

Mr. Shakir Ali: It is 10 minutes to 5. How long are we going to sit ?

The Deputy President: It depends upon when the President comes back.

The motion that clause 70 do stand part was put and adopted.

CLAUSE 71.

Thakur Hanuman Singh: I beg to move that in the marginal note to clause 71 the words "and punishment" be inserted between the word "dismissal" and the word "of."

The Hon'ble Pandit Jagat Narayan: I accept the amendment.

The amendment was put and adopted.

The Deputy President: Now we have dealt with sub-clause (*a*) of clause 71.

Thakur Hanuman Singh: I wish to move an amendment.

The Deputy President: If the honourable member wishes to move an amendment, he can do so with regard to sub-clause (*b*). We have dealt with sub-clause (*a*).

Thakur Hanuman Singh: I wish to move an amendment to both the sub-clauses.

The Deputy President : We cannot go back. If any amendment is suggested to sub-clause (*b*) I am willing to take it up.

Thakur Hanuman Singh : I bow to the ruling of the Chair, but I regret to say that the clauses are read so very rapidly that it becomes difficult to follow them.

Mr. Zafar Husain: I beg to move that sub-clause (*b*) of clause 71, which runs as follows, be omitted :—

> " (*b*) That it is passed by a vote of not less than one-half of the total number of such members and is sanctioned by the Local Government."

As it will appear from the sub-clause, the words " Local Government " were substituted for the word " Commissioner." So far the Government, I think, has acted wisely, but in spite of it I do not want to retain even the Local Government and along with it all that appertains to it. In sub-clause (*a*) clause 71 the power of dismissal secretary has been provided. The board can dismiss its secretary if resolution of dismissal is passed by a vote of not less than two-thirds of the total number of members of the board for the time being, but I do not see any reason why the power of dismissing the secretary should be retained in the hands of the Local Government if one-half of the members of the board vote accordingly. The secretary being a responsible person, his dismissal should be sanctioned by a majority of members and not by one-half which, if it occurs, will have to be finally sanctioned by the Local Government. I therefore move that this sub-clause (*b*) be deleted.

The Hon'ble Pandit Jagat Narayan : I do not accept the amendment, and the reason is obvious and very simple. I can say from personal experience, and I think it is also the experience of my honourable friend, Mr. Zafar Husain, that there are cliques and parties in municipalities and district boards. The object of this sub-clause is to protect respectable men who, it is expected, will in future be appointed as secretaries from being dismissed or punished by a catch-vote. That is why it is provided that if the resolution of dismissal or punishment is passed by one-half of the total number of members of the board, it should be sanctioned by the Local Government. It is a small protection in the interests of those men who will be appointed as secretaries.

The motion that sub-clause (*b*) of clause 71 be omitted was put and negatived.

That motion that clause 71 as amended stand part was put and adopted.

CLAUSE 72.

Mr. Zafar Husain : I beg to move for the omission of the following words in clause 72 :—" as it is required to appoint by rule " and propose that instead of them the following words " as it deems necessary " be added. In this clause some restriction is placed on the boards as regards the employment of staff. I think that boards are the proper authorities to see what officers they should appoint. The Local Government will of course make rules advising the boards to appoint such and such persons, but at the same time this authority and choice should be left to the boards to appoint any persons that they deem fit, because in most

cases boards may not be in a position to carry out the orders of the Government, chiefly on account of finances.

The Hon'ble Pandit Jagat Narayan: The meaning of this section is that, supposing the Local Government decides that a local board must have a conservancy officer, a jamadar, or a female teacher or anything of that sort, the board will have to appoint such a person. The Government is responsible, as I said yesterday, for national services, for education, and other similar matters. It is necessary therefore that those powers should remain in the hands of the Government. These boards have not yet come into existence, but when they do, it will be admitted, they will not have so experienced or so educated men as we find in the municipalities. Moreover, when in the municipalities this power is subject to the discretion of the Government and the guidance of the Government, there is no reason why the district boards which have not yet come into existence and which will be inexperienced bodies should be given complete control of the services. No doubt the time will come when by an amendment of this Act further powers will have to be given. The second consideration should be as to whether this power which was retained by the Government in the Municipalities Act has ever been abused. Is there any complaint that this power which was reserved by the Government so far as municipalities are concerned, was not properly exercised? If this power was not abused, there is no reason why the same power of control or supervision should not be given to the Government in regard to the district boards.

Pandit Govind Sahai Sharma: The question is like this. The Local Government prescribes the minimum scale of the board's staff. As has been remarked by the Hon'ble the Minister for Local Self-Government, it is for fixing the minimum number of employees in the different departments of the district boards. I submit, Sir, that I have had some experience of it as an executive officer of the municipal board of Agra. According to the rules each municipality must have one sanitary inspector for every 20,000 population, and then one chief sanitary inspector for every 100,000 population. If any municipality does not employ this number of sanitary inspectors or chief sanitary inspectors in accordance with the rules prescribed by the Government, then it comes into the bad books of the Sanitary Commissioner and into the bad books of the Government. It does not matter whether the finances of the board allow it to have such a large number of sanitary inspectors and chief sanitary inspectors. Taking into consideration that district boards will have a very large area to administer if they are going to be subjected to those rules, then I am sure, the district boards having a population of, say, 5 lakhs each will have to keep an army of sanitary inspectors and chief sanitary inspectors. The income of the district boards will thus be absorbed only in the services and no practical benefit or advantage will be derived by the people living in the district. Only the other day when we were asked to retrench our expenditure I had a talk with a very high official living in the district and he himself asked me to reduce the number of sanitary inspectors. He said:—"What is the use of having so many sanitary inspectors; you have got a regular army of them." I said:—"I have got only seven and the Sanitary Commissioner has asked me to appoint three more, and as we are not going to employ three more he has been very angry with us and has been always complaining against the attitude of the municipal board of Agra." He

[Pandit Govind Sahai Sharma.]

said :—"Oh! you had better write that you cannot have any more, you must reduce the number because you cannot afford them." I said :—"You have not seen the rules. The rule is like this." He himself said :—"In cantonments you have got only one sanitary inspector and he is quite enough for that. You have got an army of sanitary inspectors." My point is this. If we have the minimum number of municipal employees according to the rules made by the Government, then I am sure we get into the hands of experts and you know what the experts are. They have to justify their existence. They must have a large number, rather a regular army of their subordinates not only at the headquarters of the province but in each and every district. We are trying to do away with the Divisional Commissioners, but at the same time I find that the Sanitary Commissioners and Sanitary Engineers have created divisions of their own. Most of the money of municipal boards is, I think, spent over the salaries of its officials both at headquarters and in municipalities. It is with this idea, Sir, I submit to this House that the boards should be given discretion to employ as many officers as they really think proper to engage. Take the Conservancy department. What you require from the board is the cleaning of the roads, the cleaning of privies. For this you require a large number of sweepers, well-paid sweepers, but if you spend the money over the staff you will find that most of the income will be absorbed in services. We are not in a position to do any useful work for our people in this way. With these words I submit that the amendment be accepted by the Council.

Mr. Zafar Husain: The Hon'ble Minister has referred to the power of the Government being exercised under the old Act. I wish only to point out that misuse of power is not at issue. The question is of giving power to the board to appoint any such persons as it thinks fit and those whom it can adequately pay. If the Government orders by rule to appoint such persons and the boards cannot pay for them, the position becomes hopeless. If it is intended to cramp the activities of the board at every step and if that be the opinion of the House, then the position is equally hopeless.

The Hon'ble Pandit Jagat Narayan: I do not wish to discuss the finances of the Agra municipality or the control exercised by its officers or as to whether the Sanitary Commissioner was right or wrong in asking the Agra municipality to employ more sanitary staff. That is not the point at issue. The issue is, whether the minimum prescribed is reasonable or not? After all who is to prescribe the minimum? It is the expert and not a layman. For this reason, I submit, it is necessary that the power should be exercised by the Government. So far as the district boards are concerned, the question of the employment of sanitary inspectors does not arise at all. I assure the Council that if these rules are withdrawn, there will not be a single district board which will employ any sanitary staff at all. The result will be that the public will complain that there are no sweepers, no sanitary inspectors to look after the streets, and no arrangement whatsoever made for the prevention of disease. But, as I said before, this question is not at issue. The real issue is what should be the minimum and who should prescribe it?

The motion that clause 72 do stand part was put and adopted.

CLAUSE 73.

The motion that clause 73 do stand part was put and adopted.

CLAUSE 74.

The motion that clause 74 do stand part was put and adopted.

CLAUSE 75.

Mr. G. B, F. Muir: I move that at the end of clause (*b*) the word "or" be added and the full-stop replaced by a comma and that the following clause be inserted as clause (*c*):—

"(*c*) the order is an order passed in respect of any power, duty or function which has been delegated by the board to the secretary and which has been made subject to the right of appeal."

Under section 182 the board has power to delegate its function to the secretary subject to a right of appeal to the board, and a reference to that section has accordingly been considered necessary.

The motion was put and adopted.

The motion that clause 75, as amended, do stand part of the Bill was put and adopted.

CLAUSES 76 TO 78.

The motion that clauses 76 to 78 do stand part was put and adopted.

[The Hon'ble the President here resumed the Chair.]

CLAUSE 79.

Mr. G. B. F. Muir: I move that in clause 79 (3) the words "or servant" be inserted after the word "officer."

The motion was put and adopted.

The motion that sub-clause (1) of clause 79 stand part was put and adopted.

Mr. G. B. F. Muir: I move that after the word "officer" in the third line of clause 79 (3) the words "or servant" be inserted.

The motion was put and adopted.

Mr. Zafar Husain: I beg to move for the omission of the whole of clause 79. In sub-clause (1) of clause 79, the Local Government has retained to itself the power to require the board to exercise the power conferred on it by sections 70 and 72. In clause 70 the power of appointing secretaries has been vested in the board and in clause 72 the power of appointment of secretaries and also of such other persons as the Local Government may require it to appoint by rule in this behalf. In sub-clause (2) of clause 79 the Local Government has also retained to itself the power to prescribe the period within which the board shall comply with the order. In sub-clause (3) of clause 79 the Local Government has retained a further most extraordinary power inasmuch as if the board fails to comply with the order or it appoints a person who is not qualified under clause 85, that is to say, if he does not possess professional skill, the Local Government may appoint an officer of its own choice. I think, Sir, the whole clause, for these reasons, is absolutely useless, because although the Local Government may order the board to appoint any officers, the board may not think it necessary to appoint those officers, because in those cases the question of money will crop up and the board may not be in a position to finance the pay of

[Mr. Zafar Husain.]

those officers. But if the Local Government insists on the board to appoint those officers, I think the position of the board will become very precarious. Then in most cases it happens that the Local Government might misuse the power in sub-clause (2), that is to say, it should not be in the discretion of the Local Government to fix any definite period within which the board shall comply. In most cases it might happen that the Local Government may order a board to appoint any officer they choose, within a period of four or five months, but the board may not be in a position to provide for the pay of the officer within that period. It may not be possible for the board to provide for the appointment of that officer within a year or two.

Again in this case, if the board fails to comply with the order—which is only natural—the Local Government would act arbitrarily under this clause.

Then, again, in sub-clause (3), the board will be in a proper position to judge whether the qualifications of any person are enough to justify his appointment. It should not be open to the Local Government to interfere with the discretion of the board to appoint the officer it thinks suitable. Because the Local Government must consider that the board will be the body which would consider the appointment of the person in the best possible way and the Local Government also should have confidence in the board in making the appointment and the board, I am sure, will not abuse this confidence and will not misuse the power. The Local Government may be in a position to say that the board would misuse this power by appointing any person whom the Local Government may not consider to be best qualified, but, if this is so, I think that will be casting an aspersion on the sense of responsibility of the board and will be an unjustified suspicion against the powers and authority of the board.

Under these circumstances, I think this clause 79 is absolutely useless and should be deleted altogether.

The Hon'ble Pandit Jagat Narayan: After this Council has passed clause 72 it is absolutely necessary that there must be some power to impose what has been sanctioned under clause 72. My friend supposes that the Local Government in future will be a body which will be antagonistic to the best interests of the district boards, which will always try to thwart the advancement of local self-government, which will always be prepared instead of helping and advancing the cause of local self-government, to retard it. Anyhow, whatever may be the views of my friend, I think these powers are absolutely necessary. Suppose, a district board has to appoint a health officer or doctor or a sanitary commissioner and the district board appoints a pleader. There must be some check on such a wrong exercise of power. There must be some check somewhere. Again, a city is suffering from cholera or plague. The Local Government orders that for the purpose of cleaning the roads the minimum staff should be employed and the district board takes no step to employ that staff. Therefore there must be some means for the Government to exercise that power. This power will be exercised only in exceptional and extreme cases. It has not been and will not be exercised every day.

The amendment was put and negatived.

The motion that clause 79 do stand part was put and adopted.

CLAUSE 80.

Babu Shankar Dayal: I move that the entire section be deleted. On the one hand, the Government professes to give us local self-government and on the other hand it has so much limited local self-government in section 80 that I can say that no local self-government has been conferred under the Bill. Under section 202 of this Bill the Local Government is empowered to delegate its powers to the Commissioner and the Commissioners have to depend on the recommendation or otherwise of district officers. It is possible that a district officer may enter the name of any officer of a district board in the blue-book, being of opinion that such and such officer has not helped him in any matter relating to the Government or that he has not given him private visits. Then having so entered his name in the register like that of section 108 of the Criminal Procedure Code, the district officer may be in a position to ask the district board that a certain officer should be removed from the service. Is this consistent with local self-government? Is it not an unnecessary control to be exercised by the Commissioner over the district board? I think that no self-respecting person will ever care to enter the district board service when a restriction like this has been imposed under section 80. If this section is passed, then I would advise my fellow-countrymen not to enter the offices of the district board and as a matter of fact they themselves will try to develop their faculties to aspire to become Commissioners, Governors, Viceroys, and Premiers of England.

The Hon'ble Pandit Jagat Narayan: May I inform the honourable mover that I am prepared to accept the amendment?

Babu Shankar Dayal: I am rather startled by this announcement.

The motion that clause 80 do stand part was put and negatived.

CLAUSE 81.

Thakur Jagannath Bakhsh Singh: I move that in the proviso after the word "health" add the words "and an education." The effect of this amendment, if accepted by the House, will be that the proviso would read thus:—

"Provided that the appointment of a health and an education officer shall be made by special resolution."

This section gives a district board power to appoint a health officer. I might mention that I consider the chief duties of the boards are and would be to look after the public health of the district and the education of the rural population. They have got the power to appoint health officers who will be directly responsible to the boards and would carry out the wishes and directions of the board. Similarly, Sir, I submit that it is desirable to have an education officer also responsible to the board, if the board itself is to be at all responsible for the primary education of the rural population. This Bill empowers the board to appoint a secretary who will be in charge of the whole office. If a board is competent to appoint a secretary and a health officer, why should it not appoint an education officer also?

The Hon'ble Pandit Jagat Narayan: If the honourable member will permit me I will explain the position.

It is not a question that the boards will not have power to appoint an education officer. The only object of this proviso is to remove the fear that is expressed by some members that the Local Government will press upon boards the appointment of health officers. It is to remove that fear that it is provided here that this appointment can be made only by a special resolution. While the boards will be free to appoint any officer they like, they cannot appoint a health officer without a special resolution. For the appointment of an education officer no special resolution is required.

Thakur Jagannath Bakhsh Singh: After hearing the explanation of the Hon'ble Minister I think I was labouring under a misapprehension that the boards are not empowered to appoint an education officer. After the assurance of the Hon'ble Minister I beg permission to withdraw the amendment.

The amendment was, by leave of the Council, withdrawn.

Babu Shankar Dayal: I think the Hon'ble the President will have pity upon us and will not tax our brains any more.

The Hon'ble the President: Just a little time more.

The motion that clause 81 stand part of the Bill was put and adopted.

CLAUSES 82 TO 91.

The motion that clauses 82 to 91 stand part was put and adopted.

CLAUSE 92.

Babu Gendan Lal: I rise to move that in sub-clause (*e*) of clause 92 of the Bill the words "and other minor irrigation works" be added after the word "canal."

Now, an Act has been passed by the late Council that minor irrigation works should be undertaken in the villages, and as district boards will manage the construction and repair of certain works, I think minor irrigation works are the most important works for the cultivated areas. If these works are placed under the district boards, they will be able to undertake them which will prove very useful to agriculturists who have to water their fields.

The Hon'ble Pandit Jagat Narayan: I would not [illegible] boards, which it had there been "may," but I cannot accept it in case it [illegible] the duty of the district board to undertake these works. The honourable member thinks that it is the legitimate duty of the board to look after them.

Babu Gendan Lal: I have no objection to accepting "may," but then it cannot come under this clause.

The Hon'ble the President: Does the honourable member want to withdraw his motion or to press it?

Babu Gendan Lal: I press my motion.

The amendment was put to the Council and negatived.

Pandit Nanak Chand: I beg to move that in sub-clause (*r*) of clause 92 of the Bill the following words be added:—

"by publishing District Gazettes or other periodicals."

The Hon'ble Pandit Jagat Narayan : Do you want to make it a compulsory duty of the board ?

Pandit Nanak Chand : Yes.

The Hon'ble Pandit Jagat Narayan : Instead of helping the dissemination of knowledge regarding such matters as diseases, etc., the amendment proposed by the honourable member will restrict it. It will only be putting obstacles in the way of the board. I hope the honourable mover will withdraw his amendment.

Pandit Nanak Chand : I beg to withdraw my amendment.

The amendment was, by leave of the Council, withdrawn.

Pandit Nanak Chand : I beg to move that a new sub-clause be added to clause 92 as (*s*) and the existing (*s*) be re-numbered as (*t*). The new sub-clause runs as follows :—

" (*s*) licensing and control of motor vehicles and other conveyances plying for hire on district board roads."

With your permission, Sir, I want to add the word " generally " between the word " conveyances," and the word " plying."

There being no objection, the word " generally " was allowed to be added as above.

Pandit Nanak Chand : At this late hour I do not want to detain the Council by entering into the question at length, but I think if honourable members accept this as one of the duties of the boards, the boards will be empowered by this provision to grant licences for conveyances and motor vehicles plying on their roads. They will also be able to charge licensing fees and will consequently be in a position to decide the conditions under which those licences should be granted. If this clause is accepted, then I think that under the taxation clause power may be given to district boards to levy vehicle tax. If that provision is adopted there, then the persons who pay vehicle tax can as a consequential measure be entitled to vote.

The Hon'ble Pandit Jagat Narayan : This question is under the consideration of the Board of Communications. It is a very difficult question to solve. District boards cannot issue licences unless the headquarters of those motor vehicles are within their jurisdiction. The majority of their headquarters are within urban areas and therefore a difficult question would arise as to how the proceeds should be apportioned or who should be allowed to issue licences. Hence I hope my friend will withdraw his amendment. It is absolutely impossible at this stage to decide as to what should be done. It is a very ticklish question to solve, but I repeat that it is under consideration.

Pandit Nanak Chand: I regret my inability to withdraw this amendment, because I think that district boards should be entitled to regulate the licensing and control of conveyances using their roads. When they have to get those roads repaired at their own cost they should be put in a position to get some income out of the vehicles which ply on their roads. I leave the matter to the honourable members to decide as they like.

The Hon'ble the President: The question is that a new sub-clause (*s*) as follows be added to clause 92 and that the existing (*s*) be renumbered as (*t*) :—

"(*s*) licensing and control of motor vehicles and other conveyances generally plying for hire on district board roads."

The amendment was put and the Council divided as below :—

Ayes (13).

Pandit Nanak Chand,
Pandit Baijnath Misra,
Rai Sheo Charan Lal Sahib,
Pandit Govind Sahai Sharma,
Rai Thakur Mashal Singh Bahadur,
Rai Rajeshwar Bali,
Khan Sahib Abdul Baqi Khan,
Major D. R. Ranjit Singh,
Babu Chhail Bihari Kapur,
Thakur Hanuman Singh,
Mr. Zafar Husain,
Pandit Balbhadra Prasad Tiwari,
Mahant Parmanand Gir.

Noes (17).

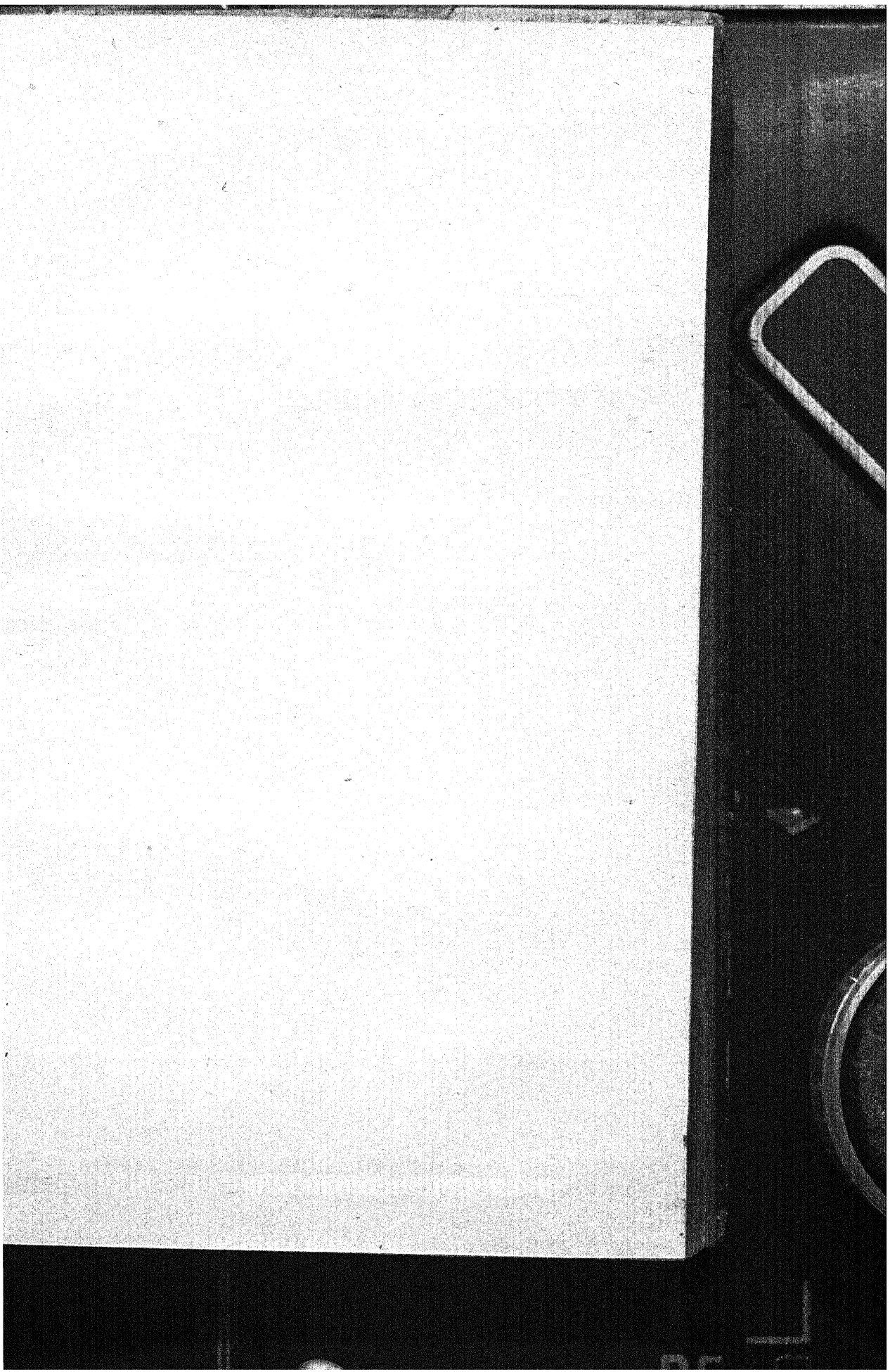
Babu Gendan Lal,
Thakur Parsidh Narayan Singh,
Mr. G. B. F. Muir,
Mr. C. M. King,
The Hon'ble Mr. C. Y. Chintamani,
Mr. A. W. Pim,
The Hon'ble Pandit Jagat Narayan,
Lieut. Raja Hukm Tej Pratab Singh,
Thakur Jagannath Bakhsh Singh,
Thakur Manak Singh,
Munshi Narayan Prasad Ashthana,
Pandit Iqbal Narayan Gurtu,
Pandit Hirday Nath Kunzru,
Rai Vikramajit Singh Bahadur,
Mr. S. H. Fremantle,
Rai Sita Ram Sahib,
Rai Kishori Lal Sahib.

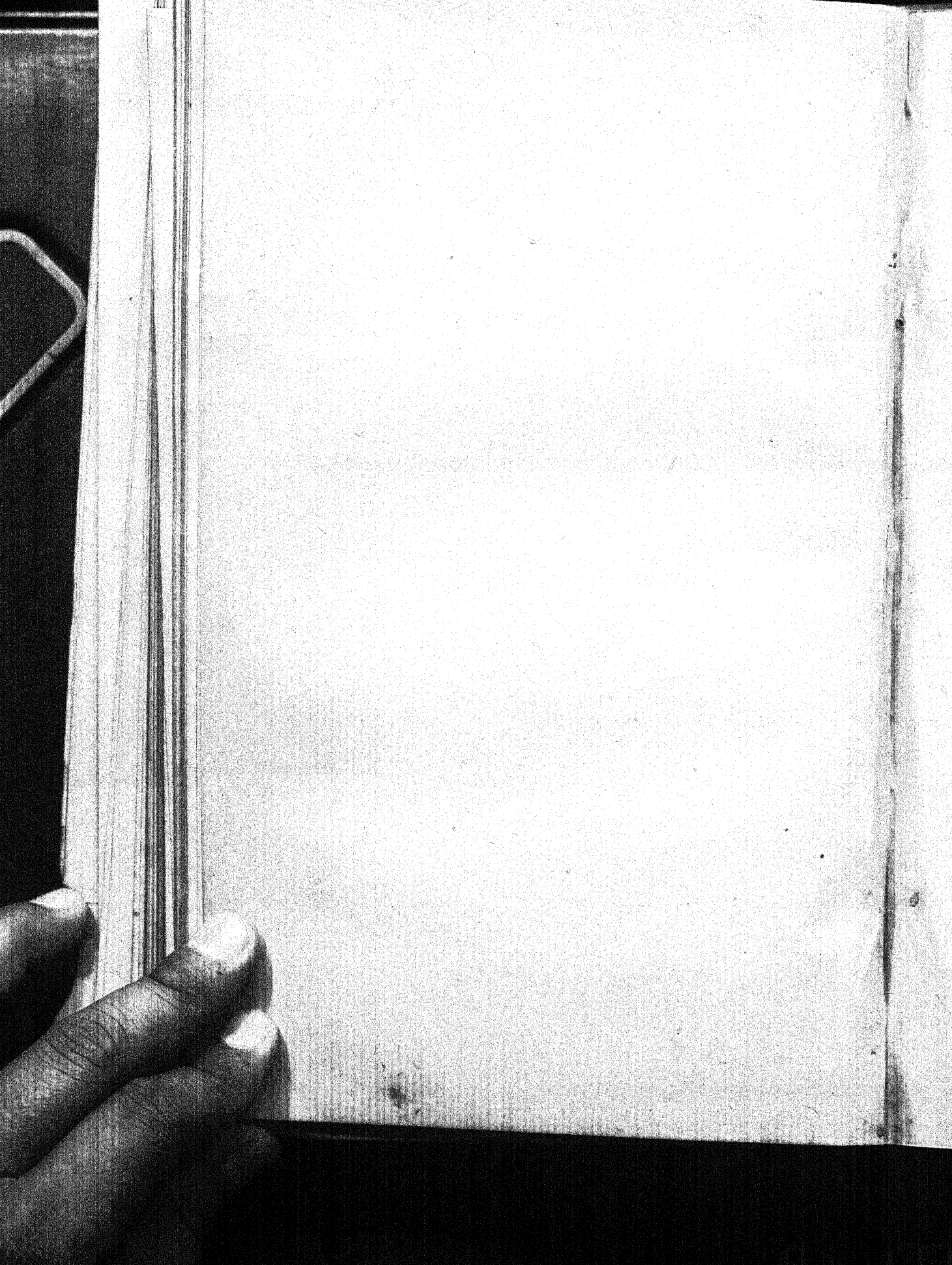
The amendment was therefore negatived.

The motion that clause 92 do stand part of the Bill was put and adopted.

Rai Kunwar Parmanand Bahadur: As it is already very late, I would ask for an adjournment.

The Hon'ble the President: The Council is adjourned until tomorrow.





PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

UNITED PROVINCES

SATURDAY, 11th NOVEMBER, 1922

VOL. X, NO. 6

OFFICIAL REPORT

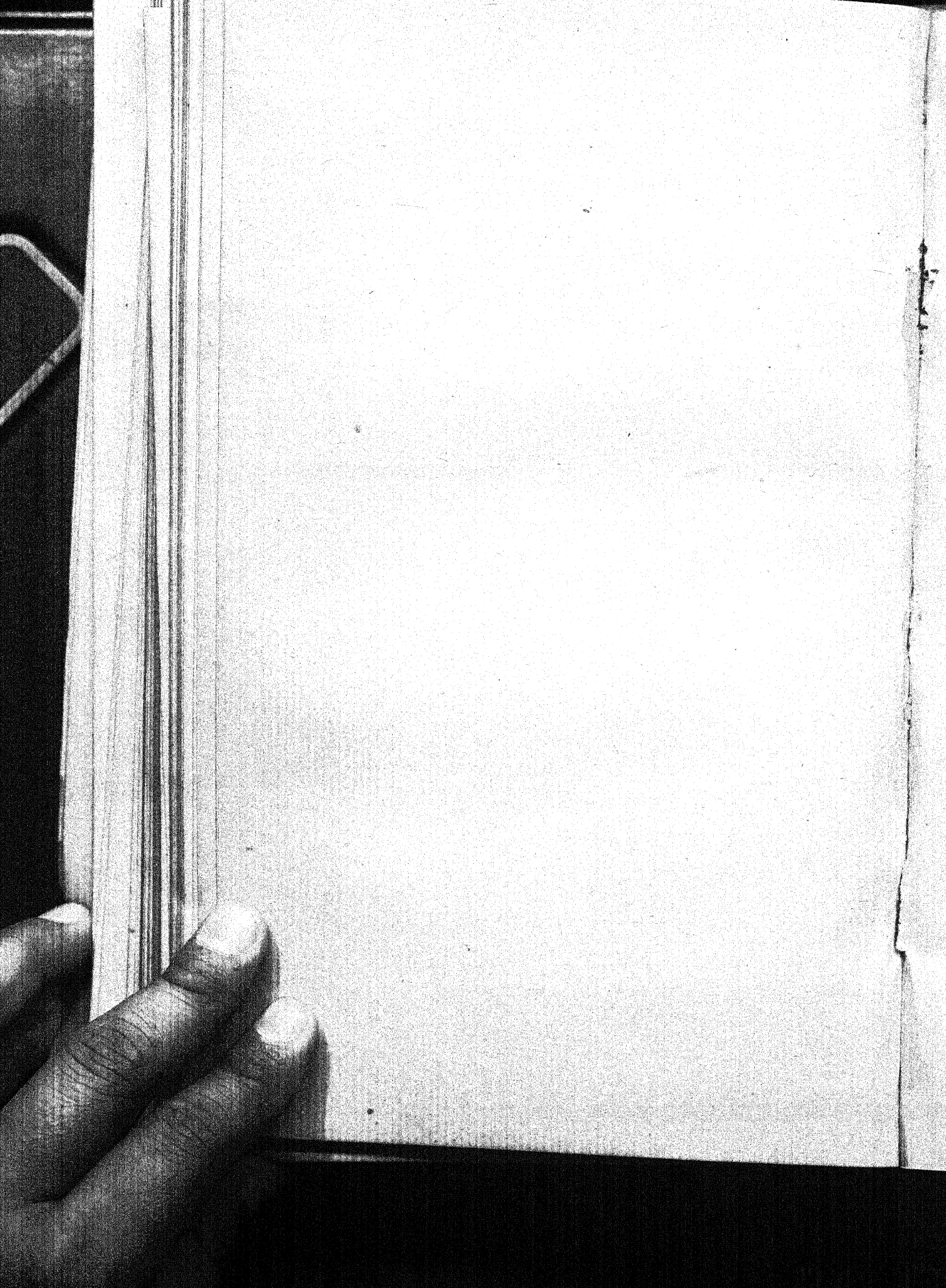
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LEGISLATIVE COUNCIL,
UNITED PROVINCES OF AGRA AND OUDH.

Saturday, 11th November, 1922.

The Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

PRESENT:

The Hon'ble Sir Ludovic Porter,
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan,
The Hon'ble Mr. C. Y. Chintamani,
The Hon'ble Pandit Jagat Narayan,
Mr. S. H. Fremantle,
Mr. G. B. Lambert,
Mr. H. S. Crosthwaite,
Mr. A. B. Reid,
Kunwar Jagdish Prasad,
Mr. A. C. Verrières,
Mr. R. Burn,
Mr. F. F. Sladen,
Mr. C. M. King,
Mr. F. F. R. Channer,
Mr. H. de L. Ross,
Mr. G. B. F. Muir,
Lt.-Col. A. W. R. Cochrane,
Mr. A. H. Mackenzie,
Mr. H. M. Leake,
Mr. L. S. White,
Raja Muhammad Ejaz Rasul Khan,
Mr. H. W. Gill,
Mr. H. David,
Babu Khem Chand,
Pandit Govind Sahai Sharma,
Rai Anand Swarup Bahadur,
Rai Sheo Charan Lal Sahib,
Babu Chhail Bihari Kapur,
Rai Kishori Lal Sahib,
Pandit Soti Vishnu Swarup,
Major Kunwar Shamsher Bahadur Singh,
Lala Shadi Ram,
Pandit Hirday Nath Kunzru,
Chaudhri Mukhtar Singh,
Rai Sita Ram Sahib,
Pandit Nanak Chand,
Thakur Manak Singh,
Rao Sheo Dhyan Singh Sahib,
Rai Man Singh Bahadur,
Munshi Narayan Prasad Ashthana,
Rai Indra Narayan Sahib,
Raja Kali Charan Misra,
Chaudhri Sher Singh,
Chaudhri Sardar Singh,
Babu Gur Sahai,
Pandit Brijnandan Prasad Misra,
Rai Gopal Das Sharma Sahib,
Babu Parmeshwar Dayal Amist,
Babu Gendan Lal,
Lieut. Raja Hukm Tej Pratab Singh,
Pandit Balbhadra Prasad Tiwari,
Major Des Raj Ranjit Singh,
Mahant Parmanand Gir,
Raja Harpal Singh,
Thakur Parsidh Narayan Singh,
Thakur Hanuman Singh,
Mr. Ajodhya Das,
Raja Indrajit Partab Bahadur Sahi,
Pandit Baijnath Misra,
Rai Jodh Singh B. Negi Bahadur,
Pandit Gokaran Nath Misra,
Raja Shankar Sahai,
Sardar Birpal Singh,
Thakur Rajendra Singh,
Rai Thakur Mashal Singh Bahadur,
Kunwar Dillipat Shah,
Mr. Kesari Prasad Singh,
Raja Raghuraj Singh,
Babu Shankar Dayal,
Rai Rajeshwar Bali,
Khan Sahib Abdul Baqi Khan,
Mirza Muhammad Sajjad Ali Khan,

Saiyid Al-i-Nabi,
Saiyid Janab Ahmad,
Qazi Muhammad Hashim,
Lieut. Kunwar Jamshed Ali Khan,
Khan Bahadur Kunwar Inayat Ali Khan,
Lieut. Nawab Muhammad Ahmad Sa'id Khan,
Khan Sahib Shaikh Muhammad Yusuf,
Munshi Ata-at-mand Khan Mujibee,
Mr. Zafar Husain,
Mr. Masud-uz-Zaman,
Nawabzada Muhammad Yusuf,
Khan Bahadur Shah Badre Alam,
Mr. Muhammad Ismail, Khan Bahadur,
Mr. Shakir Ali,
Khan Sahib Hakim Nawab Ali Khan,
Mr. Jafer Hosain,
Khan Bahadur Shaikh Saiyid Muhammad,
Munshi Muhammad Fazl-ur-Rahman Khan,
Munshi Muhammad Zahur-ud-din Khan,
Lieut. Shaikh Shahid Husain,
Raja Sir Saiyid Abu Jafar,
Mr. Muhammad Afzal,
Rai Kunwar Parmanand Bahadur,
Raja Ragho Prasad Narayan Singh, Rai Bahadur,
Raja Shambhu Dayal,
Thakur Nawab Ali Khan,
Thakur Jagannath Bakhsh Singh,
Rai Vikramajit Singh Bahadur,
Pandit Iqbal Narayan Gurtu,
Mr. A. W. Pim.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Pollution of the Ganges water in Rishikesh.

* 1. **Pandit Nanak Chand**: (*a*) Will the Government be pleased to state when the existing drainage system was introduced in Rishikesh and inquire from the notified area office, Rishikesh, as to the period during which the main drains and man-holes have not been cleansed ?

(*b*) Is the Government aware that from Suraj Kund downwards the drainage pipe has become clogged and sullage water filters through joints and flows down into the stream of the Ganges near the bathing-ghats ? If not, will the Government be pleased to inquire and state what steps it proposes to take ?

(*c*) Is the Government aware that two of the main drains are discharged into Saraswati *nala* in its covered portion on its course to the Ganges and the said *nala* joins the Ganges just at the bathing-ghats ? If not, will the Government be pleased to inquire and to state if the Government proposes to take steps to divert the drains in some other direction and prevent filthy water from mixing with the Saraswati *nala* and reaching and polluting the water at the bathing-ghats ?

Public latrines at Rishikesh.

* 2. **Pandit Nanak Chand**: (*a*) Is it a fact that there are no public latrines at Rishikesh. Will the Government be pleased to make an inquiry, and to state what steps it proposes to take to make satisfactory conservancy arrangements ?

(*b*) Is it a fact that most of the *dharamshalas* at Rishikesh have no latrines on account of which the pilgrims and residents of the town are put to great inconvenience and the sanitation of the town suffers ? Will the Government be pleased to take steps to remedy the defects ?

The Hon'ble Pandit Jagat Narayan: The answer will be laid on the table at a later date.

Irregularities of Khurja municipal board.

*3. **Pandit Nanak Chand**: (*a*) Is it a fact that the Secretary, Municipal Reform Committee, Khurja, addressed a representation to the Minister for Local Self-Government against irregularities of Khurja municipal board on 17th of December, 1921, and the Secretary, Municipal department, acknowledged the said representation and promised communication of the results of inquiry and the orders of the Government passed thereon in his letter No. 308-O.M., dated Lucknow, the 22nd December, 1921; if so, will the Government be pleased to state if and when the result of the inquiry and the orders of the Government have been communicated to the Secretary, Municipal Reform Committee, Khurja?

(*b*) Is it a fact that the period for which the Vice-Chairman was elected expired in March, 1922 and the need for municipal famine work ended in February, 1922, before the municipal board, Khurja, was informed through the Commissioner in August, 1922 to the effect that the proceedings of, and the Vice-Chairman's election at, the meeting held on the 29th of November, 1921 (referred to in the representation of Municipal Reform Committee) were illegal?

(*c*) If so, will the Government be pleased to state what were the circumstances which lead to such long delay in the Government's decision and in the communication of the same to the Municipal Reform Committee?

The Hon'ble Pandit Jagat Narayan: The information will be laid on the table at a later date.

Boys in III and IV classes of schools.

*4. **Pandit Nanak Chand**: Will the Government be pleased to lay a statement on the table showing the average number of boys in III and IV classes respectively of all Government and recognized middle and high schools including institutions raised to the status of Intermediate colleges for the last three available years?

The Hon'ble Mr. C. Y. Chintamani: The honourable member is requested to communicate with the Director of Public Instruction. If the information can be collected without undue expenditure of time and labour, the Director will be glad to comply.

Separation of primary classes from secondary institutions.

*5. **Pandit Nanak Chand**: Will the Government be pleased to consider the advisability of separating the primary classes from secondary institutions and placing them under the local self-governing bodies?

The Hon'ble Mr. C. Y. Chintamani: By the term "secondary institution" the honourable member is presumably referring to secondary English schools. If so, the only classes of the primary section which usually form part of such institutions are classes III and IV. It is not possible at present to separate them and place them under the control of local bodies, because English education is not under the control of local bodies. But Government will consider the suggestion of the honourable

member in due course. The primary section of vernacular secondary schools is already under the control of local bodies.

Government Agricultural School, Bulandshahr.

*6. **Pandit Nanak Chand**: (*a*) Will the Government be pleased to state whether the new hostel and other new buildings for the Agricultural School, Bulandshahr, have been completed within the time specified in the agreement with the contractor?

(*b*) If not, how the completion of the building has been delayed?

(*c*) Is it a fact that a higher rate of tender had to be accepted by the Public Works department officers to get the buildings completed within a short time?

(*d*) If so, by what percentage the total estimate for the buildings went up and who is responsible for this unnecessary loss of public money and delay in completion of the buildings?

(*e*) Is there is any possibility of this extra money being recovered?

(*f*) Whether any buildings other than the hostel were so urgently required as to demand accepting tenders at higher rates?

The Hon'ble Mr. C. Y. Chintamani: (*a*) No.

(*b*) The completion of the hostel group of the buildings has been delayed on account of shortage of funds and wrong-sized joists being supplied for some of the rooms.

(*c*) No. The lowest tender was accepted.

(*d*), (*e*) and (*f*) Do not arise.

*7. **Pandit Nanak Chand**: Will the Government be pleased to state the number of candidates who applied for admission this year to the Government Agricultural School, Bulandshahr, and the number of candidates approved for admission?

The Hon'ble Mr. C. Y. Chintamani: Forty-eight candidates applied for admission to the Bulandshahr Agricultural School this year and 24 were approved for admission.

Pandit Nanak Chand: What is the number fixed for admission every year?

The Hon'ble Mr. C. Y. Chintamani: As stated in the reply to the subsequent question (No. 8) of the honourable member:—

"(*a*) A maximum of 40 students is to be admitted annually to the Bulandshahr Agricultural School.

(*b*) Only 24 students were admitted this year because the buildings of the school are still in course of construction."

Pandit Nanak Chand: Will the Government be pleased to consider the advisability of admitting students over and above 24 students if they are ready to make their own arrangements for the time being till the buildings are ready?

The Hon'ble Mr. C. Y. Chintamani: The suggestion will be communicated to the Director of Agriculture, who will be glad to act accordingly if it is possible to do so.

*8. **Pandit Nanak Chand**: (*a*) What is the number of students which the Government has decided to admit to the Government Agricultural School, Bulandshahr, every year in the new class?

(*b*) If the number of students arproved for admission this year be smaller than the number of annual vacancies in the new class, what are the circumstances which account for it?

The Hon'ble Mr. C. Y. Chintamani: (*a*) A maximum of 40 students is to be admitted annually to the Bulandshahr Agricultural School.

(*b*) Only 24 students were admitted this year because the buildings of the school are still in course of construction.

Lawrence Terrace, Lucknow.

9. **Mr. H. W. Gill**: Will the Government be pleased to state—

(1) if the land in Lucknow between the Lawrence Terrace grounds and the Newal Kishore road was a part of the Lawrence Terrace estate;

(2) whether this land has been sold to C. Mull & Co. and others for construction of shops and residential quarters; and

(3) to what head have the sale-proceeds been credited?

Mr. G. B. F. Muir: (1) and (2) It is not understood what the honourable member means by the "Lawrence Terrace estate." The land in question was leased to the Union Club. On expiry of the lease it was leased to Mr. Crawshaw on certain conditions which were not fulfilled. In consequence, Mr. Crawshaw's lease was cancelled and the land was put up to public auction and leased to C. Mull and others.

(3) To Nazul.

10. **Mr. H. W. Gill**: Is it a fact that the Lawrence Terrace building is in a very bad state of repair?

If so, will the Government be pleased to instruct the Land Improvement Trust to utilize the sale-proceeds referred to in the preceding question towards putting the building into proper repair?

Mr. G. B. F. Muir: Yes. As pointed out in the answer to question No. 9 the land has not been sold and the second part of the question does not therefore arise.

11. **Mr. H. W. Gill**: Is rule 13 of the rules relating to the Lawrence Terrace being strictly observed, and in how many cases in the last three years have quarters been allotted to persons whose names were not on the register (vide last sentence of rule 13)?

Mr. G. B. F. Muir: Yes; no quarters have been allotted to persons whose names were not on the register.

12. **Mr. H. W. Gill**: Will the Government be pleased to consider the advisability of re-transferring the control of the Lawrence Terrace to the Deputy Commissioner of Lucknow?

Mr. G. B. F. Muir: No.

THE UNITED PROVINCES DISTRICT BOARDS BILL, 1921.

The Hon'ble the President: Before we broke up yestesday we had reached clause 92, which was put and adopted. It has been suggested to me from an influential quarter of the Government that today it would save time and be advisable if we were to take up straight away clause 110, viz., the main taxation clause, as the fate of the Bill, I was given to understand, depends on the decision arrived at in connection with that clause. I personally have no objection to take up clause 110, if there is no substantial group in the House which objects to this arrangement.

Several honourable members stood up and objected to this.

The Hon'ble the President: There is an objection. We will therefore proceed with the Bill, clause by clause.

CLAUSE 93.

Thakur Jagannath Bakhsh Singh: I move that in sub-clause (*a*) of clause 93 delete the following words:—"and acquiring land for that purpose and for the construction of buildings, and their compounds, to abut on such roads." I move this amendment under the apprehension that the boards will have arbitrary powers of acquiring land without the help of the Land Acquisition Act or in any different manner than they have adopted previously under the Land Acquisition Act. I would therefore not enter into arguments, unless it is clear to me that my apprehension is correct. It is no surprise, Sir, that a layman like myself in points of law may not be quite sure of the interpretation of the legal clauses. I would therefore reserve my arguments for the reply.

The Hon'ble Pandit Jagan Narayan: I think that the Land Acquisition Act would apply in any circumstances just as it did before.

Thakur Jagannath Bakhsh Singh: I beg to withdraw the amendment.

The amendment was, by leave of the Council, withdrawn.

Babu Gendan Lal: I have given notice of an amendment today to add a sub-clause (*g*) after sub-clause (*f*). The amendment runs thus:—

That after sub-clause (*f*) of clause 93 add a new sub-clause (*g*):—

"(*g*) constructing and maintaining minor irrigation works"

and substitute letters "(*h*) and (*i*)" for "(*g*) and (*h*)" respectively.

The Hon'ble the President: Is there any objection to the amendment, which has been received late?

As there was no objection, the honourable member was allowed to move the amendment and to proceed.

Babu Gendan Lal: The irrigation of fields is one of the most important parts of cultivation . . .

The Honble Pandit Jagat Narayan: I have no objection to accept it.

The amendment was put and adopted.

The motion that subsequent sub-clauses "(*g*) and (*h*)" be re-lettered as "(*h*) and (*i*)" was put and adopted.

Khan Bahadur Shah Badre Alam: May I make a suggestion, Sir? There is an amendment standing in the name of Chaudhri Mukhtar Singh who is not present today. If the Council has no objection, I may suggest that the amendment be taken into consideration.

The Hon'ble the President: The honourable member proposes to move the following amendment:—

Add the following new sub-clause after (*f*):—

"Making primary education free and compulsory in the district or any part the district."

Is there any objection to this?

The Hon'ble Pandit Jagat Narayan: I object, Sir, as it would be impossible for the district boards to do so without legislation passed by this Council. Therefore it cannot be made a part of the Bill.

The Hon'ble the President: The amendment cannot be moved.

Rai Vikramajit Singh Bahadur: I beg to move that after sub-clause (*i*) in clause 93 of the Bill the following be added as sub-clause (*j*):—

"(*j*) Conservation and prevention of injury or contamination to, or pollution of, rivers and other sources of water-supply within its jurisdiction."

It is hardly necessary for me to make any speech in support of this motion. It is essential for the district boards to keep this power to themselves in order to prevent the pollution of rivers or tanks, both on the ground of sanitation and health, so that the water for consumption and bathing purposes may be free from pollution. In countries like England they have got a River Pollution Act, but in India there is no such Act, and therefore I have brought this motion before the Council. I hope the Hon'ble Minister will be pleased to accept it, as it only comes under permissive clauses and gives the district board power to keep water-supplies free from pollution. It is a matter of common knowledge that in villages tanks and rivers are not generally kept free from pollution, and therefore it is necessary to confer this power on the district boards.

Rai Anand Swarup Bahadur: I rise to support the motion, and I am thankful to the honourable mover for having brought it. The principle underlying this amendment was adopted by the Council at the time when the Town Improvement Trust Act was passed, with the result that a clause, namely, 23(*k*), was inserted in the Act. The wording of this amendment is exactly the same as that in section 235 of the Municipalities Act. I hope the Hon'ble Minister will have no objection to accept this amendment.

The Hon'ble Pandit Jagat Narayan: I beg to move that instead of the words "conservation and prevention of" the words "conserving and preventing" be substituted. Before the Council decides this question one way or the other, I would request the honourable members to consider the fact whether they are prepared to give the power to the local boards to grant permission for the establishment of factories or not. The real object of this amendment, as far as it appears from the proceedings of the Hindu *sabha*, is that the district boards might be given discretion in the matter of establishment of factories on the side of the river. I have, however, no objection to accept this amendment.

Rai Vikramajit Singh Bahadur: The only point raised by the Hon'ble Minister is whether the district board will have power to establish factories. I think there is no prohibition even now to establishing factories outside urban areas. If people have got land, they can put up buildings or factories. The idea underlying my amendment is, that if a new factory is established, it should not pollute the river to an extent which may make the water unfit for consumption and bathing.

The Hon'ble the President: The original amendment was to insert clause (*i*) after the re-lettered clause (*h*); but in view of the acceptance of the amendment of Babu Gendan Lal this amendment will be re-lettered as clause (*h*).

The motion was put and adopted.

Clause (*j*), as amended by the Hon'ble Minister, namely, instead of the words "conservation and prevention of" the following words be substituted "conserving and preventing," was put and adopted.

The motion that clause 93, as amended, do stand part was put and adopted.

CLAUSES 94 AND 95.

The motion that clauses 94 and 95 do stand part was put and adopted.

CLAUSE 96.

Thakur Hanuman Singh: I rise to move an amendment to clause 96 of the Bill, which runs thus:—

In line 5 of the proviso for the words "not exceed" substitute the words "not be less than" and add to the said proviso the following:—

"And shall also make compensation for the deterioration in the value of the house which such alteration will cause, or for the general loss or inconvenience to the owner which the removal or alteration may cause." If the proviso, as it stands in the Bill, is allowed to become law, it will create many hardships and miseries to house-owners. In these days when the price of materials for building houses is very high and the land for building houses on is also very dear, the condition of owners whose houses will be demolished under this clause will be very miserable. Everybody knows that the compensation awarded by the officers who are deputed on special duty for the acquisition of land is too small to compensate the owners. Where a portion of a house is removed or demolished, the condition of the owner becomes worse than when his whole house is acquired. Because the owner does not get any compensation for the remaining part of his house; he can neither live in it, nor can he sell it, nor make any use of it. It is quite possible that district board subordinates taking advantage of this section may propose expansion or widening of a road on the sides of which such buildings as are contemplated by this section are standing, with a view to making illicit gains. I therefore think it necessary that this section should provide such restriction as is contained in the amendment, so that the district boards may only in cases of pure necessity take upon themselves the acquisition of houses, and that they do not do so generally. Take the case of a man possessing a good house adjacent to the road, whose ancestors were in opulent circumstances, but who is now in reduced circumstances. If the house is removed, I think he will not be able to build a similar house on account

of his poverty. The compensation which will be paid to him will hardly suffice to build even a third-rate house. So it is very necessary that the compensation to be awarded should be prohibitive. If my amendment is adopted by the House, I think it will confer a boon to a large number of people in the rural areas. With these remarks I commend the amendment for acceptance of the House.

The Hon'ble Pandit Jagat Narayan : I am afraid the meaning of the section has not been properly understood by the honourable mover. Section 96 has nothing to do with the question of acquisition at all. Part I deals with cases where a person encroaches upon the land or the property of the district board; but in order to safeguard the interest of those persons who have made encroachments before the passing of this Act or before a certain date, this concession is allowed, namely, that if they are made to remove their encroachments they might be paid ten times the cost of the erection. This section generally applies to cases where houses are on the roadside and where people put forward planks and other projections which to a large extent cover the drains or roads. The clause itself is very clear. It says :—"The board may, by notice, require the owner or occupier of a building to remove, or to alter a projection or structure overhanging, projecting into, or encroaching on, a public road vested in or maintained by the board, or into, on, or over any drain, sewer or aqueduct therein." It applies only to cases of encroachments. "Provided that in the case of any such projection or structure lawfully in existence at the commencement of this Act, the board shall make compensation for any damage caused by the removal or alteration, which shall not exceed ten times the cost of erection and demolition." As I have said, this has nothing to do with the acquisition of houses and property; it only deals with cases of encroachment on the property of the district board, and I leave it in the hands of the Council to say whether this power should or should not be given to the board. In my opinion it is absolutely necessary that the board should have the power to keep their roads wide and to see that no encroachments are made on them.

Thakur Hanuman Singh : If the Hon'ble Minister will accept the first part of my amendment, I will withdraw my motion.

The Hon'ble Pandit Jagat Narayan : I cannot accept it for the very good reason that supposing a man puts up a plank in front of his house, which projects over the road, and costs him only Re. 1, why should the district board be made to pay him ten rupees for its removal instead of one rupee? No doubt the section says not more than ten times, but that is the maximum. My friend does not intend that persons should be encouraged to encroach upon district board property, and if they do, they should be paid ten times the cost of the erection.

The amendment was put and negatived.

The motion that clause 96 do stand part of the Bill was put and adopted.

CLAUSE 97.

Rai Kunwar Parmanand Bahadur : Clause 97 as it stands in the Bill provides two remedies for the removal of obstruction and encumbrances. My amendment is "when a private house, wall, or other erection, or

[Rai Kunwar Parmanand Bahadur.]

anything fixed thereto, or a tree falls down and obstructs a public drain or encumbers a public road, the board may, by notice, require the owner to remove the same, within a time to be specified in the notice, and should the owner or his duly authorized agent be not found, or should the removal be not made within the time fixed, the board may remove such obstruction or encumbrance, at the expense of the owner, and may recover such expense in the manner provided by Chapter XII. In a very urgent case it shall be lawful for the board to have the obstruction or encumbrance removed at once, dispensing with the notice aforesaid."

The change which I recommend to be brought about is in the order in which the two remedies are to be used. In the clause as it now stands the board has the option of having recourse to either getting the obstruction or encumbrance removed, recovering the cost, or give notice. I submit it would be more fair, more just, and more equitable if the owner was first given a chance to have the obstruction or encumbrance removed, because he is likely to take greater care of the property and to spend less than a servant of the district board concerned. Should emergency require that notice be dispensed with and the board should forthwith remove the obstruction, I suggest the amendment does leave the district board free to do so. But the ordinary rule should be that the owner should remove the obstruction or the encumbrance and the exception that the board should do it without previous notice.

With these few observations I commend the motion for the consideration of the Council.

The Hon'ble Pandit Jagat Narayan: My experience is the other way. I have had a lot of municipal experience and I think honourable members who also had experience of the municipal boards will support me regarding the public complaint that section 215 of the Municipalities Act has always remained a dead-letter. In the rainy season for four months houses fall down, the roads are obstructed, to the great inconvenience of the public and there is nobody to clear the *débris*. For days and days and weeks and weeks this goes on. Therefore I think what the honourable mover is afraid of will never come off at all. Further, my submission is that even if his suggestion be accepted certain portions of this amendment appear to be redundant. I would draw his attention to section 190 (*a*), which says:—"After giving notice the board may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the manner provided in Chapter VII." Therefore so far as that portion is concerned, the mere fact of giving notice is quite sufficient instead of bringing all these things in the section. Supposing a tree or a wall falls down, it takes two or three days for the matter to reach the board. After two or three days an officer is deputed for this work. He takes another week, and by the time the order is issued, two or three weeks have elapsed. Therefore I do not think there are any grounds for accepting the proposed amendment. Generally speaking, I agree with my friend that this practice should be adopted. Whenever these matters are brought to the notice of the board, first of all a notice is issued to the owner to remove the obstruction; and when no effect is produced by the service of the notice, then only these extraordinary powers of the board are exercised.

Mr. Masud-uz-Zaman: The Hon'ble Minister has just now said that such emergency will never occur. My experience of a small municipality is however quite different. I think after the rainy season any number of emergencies arise. When trees fall down in the rains it would really be necessary for the municipal board or the district board to have them removed at once. I think for this reason the motion should remain in the Act, and therefore with these words I support the motion.

Rai Kunwar Parmanand Bahadur: With regard to the section to which the Hon'ble Minister referred me I rightly or wrongly understood it to refer to new works. If that section was wrongly understood by me and the Council is satisfied that this section would cover cases to which my amendment refers, I do not insist upon it. The only point I wish to urge is that, ordinarily, in the absence of any emergency, the owner or the authorized agent of the owner should be given an opportunity to remove the obstruction. It is only in cases where the obstruction is not removed by the owner that the board should undertake to do it.

The Hon'ble Pandit Jagat Narayan: Sir, I am sorry that my friend Mr. Masud-uz-Zaman has absolutely misunderstood me. I said exactly what he has placed before the Council. He has urged an argument in opposition to the amendment and in the end he said he supported the motion. I said that such power had never been abused and that such power is absolutely necessary. If the amendment is accepted, the result would be that the district boards would be hampered in the discharge of their duties. They will not be able to take measures immediately.

With regard to the remark of my friend Kunwar Parmanand, the first portion of the clause refers to erections. But the second part refers to issue of notice which states that unless the owner removes the obstruction, such erection will be removed by the board.

The motion that the words after "may" in clause 97 do stand part of the Bill was put and adopted.

The motion that clause 97 do stand part of the Bill was put and adopted.

Clause 98.

Thakur Hanuman Singh: I beg to move an amendment to sub-clause (*b*) of clause 98. It runs thus:—

> Delete the word "and" at the end of (*b*) and change the semi-colon after the word "board" for a comma and add the words "provided such widening, extension or enlargement does not necessitate the removal of any building or shop abutting on the road and existing before the commencement of this Act; and"

A few minutes ago I spoke in connection with section 96. The reasons which I adduced then would apply with greater force to my amendment just now placed before the Council, and therefore I am not going to reiterate what I stated on that occasion. What I have to say more is that in villages the removal or demolition of a house or any

[Thakur Hanuman Singh.]

other building is considered—and really it is—a great hardship to the owners of such property. Supposing a new road is being constructed and it is to pass through a bazar, and if for the sake of symmetry it requires the removal of some shops and houses, what misery it will create to those to whom those houses and shops belong and to the owner of the bazar on which he may be dependent for his livelihood. The board can manage to have such roads pass outside the bazar. If these roads are allowed to pass through villages they may require the removal of a good many buildings. In villages people are generally poor, and if in addition to it they are left houseless their position becomes too difficult. It is almost impossible to get comfortable houses to live in in villages. To safeguard the interests of such people the law should be framed and passed in such a way as the boards may have no opportunity of harassing the people.

At the same time I wish to add that among district board members will be some who may be having some grudge or enmity with their neighbours and co-sharers and with others living in other villages taking advantage of the District Board Act they may attempt to deprive their opponents of their houses and other property. Such a law should not be given to district boards as may enable them to misuse it. With these few words I place the amendment before the House for its favourable consideration and adoption.

The Hon'ble Pandit Jagat Narayan: No doubt I believe that Thakur Hanuman Singh has more experience of the districts than I have; I lay no claim to it, but I am extremely sorry to find that he seems to distrust the new boards absolutely. I cannot understand the reason why he does so.

Thakur Hanuman Singh: It was never my intention.

The Hon'ble Pandit Jagat Narayan: But still I was under the impression that the newly-constituted boards would be popular bodies upon which the representatives of the people would sit, and therefore they would take every care that the interests of the people did not suffer. However, apart from that consideration, if honourable members think that no power should be given to the boards to make public roads, I can understand it. Either the House should not give to the boards the power of making public roads or; if it gives them this power, it should not fetter their discretion in the way suggested. Further on, one of the very first and compulsory duties of the board is to improve the means of the communication and to make roads. Therefore so long as that remains to be one of the compulsory duties of the board, its discretion should not be fettered in the way suggested. The duty of making public roads has been entrusted to the boards under section 92 (*a*) which runs as follows:—

> "The construction, repair and maintenance of public roads, and generally the improvement of communications."

If under section 92 that was considered by the House to be one of the primary duties of the district boards, I cannot understand how they will be able to discharge this duty if the Council takes away from them the power of acquisition. I quite agree that people are put to great inconvenience when houses are acquired, but the question is whether the

comfort of the many should prevail or we should not acquire a house because one or two men will be put to inconvenience. For these reasons I leave the matter for the decision of the Council, but I repeat that either the House should not give them the power of making roads (and this power has already been given to them under section 92) or when the House has given them this power, it should not restrict their power of acquisition under the Land Acquisition Act in this way.

Thakur Hanuman Singh: All these roads will pass through the rural areas. The necessity for their being broad is not very much. Even narrow roads will serve the purpose of providing good communication between one place and another. When it is contemplated to construct a broad road and if it is to pass through a village, it may be made somewhat narrow within it, or if the village can be avoided with a little bend, then the road may be bent a little so that the house-property of the villagers may not be destroyed. I am sure this section when put into operation will create hardship to the village people.

The amendment was put and the Cou l divided as below:—

Ayes (36).

Thakur Jagannath Bakhsh Singh,
Khan Bahadur Shaikh Saiyid Muhammad,
Thakur Nawab Ali Khan,
Lieutenant Shaikh Shahid Husain,
Khan Bahadur Shah Badre Alam,
Khan Bahadur Muhammad Zahur-ud-din Khan,
Khan Sahib Hakim Nawab Ali Khan,
Mirza Muhammad Sajjad Ali Khan,
Rai Man Singh Bahadur,
Saiyid Janab Ahmad,
Raja Muhammad Ejaz Rasul Khan,
Raja Raghuraj Singh,
Sardar Birpal Singh,
Major Kunwar Shamsher Bahadur Singh,
Babu Shankar Dayal,
Chaudhri Sher Singh,
Lala Shadi Ram,
Rai Kunwar Dillipat Shah Bahadur,
Mr. K. P. Singh,
Rai Kunwar Parmanand Bahadur,
Thakur Hanuman Singh,
Qazi Muhammad Hashim,
Mr. Shakir Ali,
Khan Sahib Abdul Baqi Khan,
Lieutenant Kunwar Jamshed Ali Khan,
Rao Sheo Dhyan Singh Sahib,
Munshi Ata-at-mand Khan Mujibee,

Noes (43).

Rai Sheo Charan Lal Sahib,
Saiyid Al-i-Nabi,
Babu Gendan Lal,
Nawabzada Muhammad Yusuf,
Mahant Parmanand Gir,
Mr. Ajodhya Das,
Pandit Baijnath Misra,
Thakur Manak Singh,
Major D. R. Ranjit Singh,
Rai Vikramajit Singh Bahadur,
Munshi Narayan Prasad Ashthana,
Babu Parmeshwar Dayal Amist,
Pandit Gokaran Nath Misra,
Rai Sita Ram Sahib,
Pandit Iqbal Narayan Gurtu,
Pandit Nanak Chand,
Babu Gur Sahai,
Mr. G. B. Lambert,
Mr. C. M. King,
Mr. H. S. Crosthwaite,
Mr. H. de L. Ross,
Lieutenant Raja Kali Charan Misra,
Rai Kishori Lal Sahib,
Pandit Hirday Nath Kunzru,
Pandit Govind Sahai Sharma,
Rai Gopal Das Sharma Sahib,
Mr. H. W. Gill,
Rai Thakur Mashal Singh Bahadur,
Thakur Parsidh Narayan Singh,
Mr. G. B. F. Muir,
Mr. L. S. White,

Khan Bahadur Shaikh Muhammad Yusuf,	Mr. A. W. Pim,
Lieutenant Nawab Muhammad Ahmad Sa'id Khan,	Mr. F. F. Sladen,
Mr. Zafar Husain,	Lt.-Col. A. W. R. Cochrane,
Chaudhri Sardar Singh,	Mr. F. F. R. Channer,
Rai Rajeshwar Bali,	The Hon'ble Sir Ludovic Porter,
Raja Shankar Sahai,	The Hon'ble Pandit Jagat Narayan,
Raja Harpal Singh,	The Hon'ble Mr. C. Y. Chintamani,
Raja Shambhu Dayal,	Mr. A. C. Verrières,
Raja Sir Saiyid Abu Jafar.	Mr. A. B. Reid,
	Mr. A. H. Mackenzie,
	Mr. H. M. Leake,
	Mr. S. H. Fremantle.

The amendment was therefore negatived.

Rai Kunwar Parmanand Bahadur: The amendment which I beg to move is that the following proviso be added to clause 98:—

"Provided that in undertaking work under this section the board shall in no wise interfere with, or encroach upon, any place of worship or religious sanctity."

In bringing this amendment before the House I had in my mind the Cawnpore mosque case. A district board may exercise the powers given to it under this clause, but having regard to the past experience it is necessary to provide clearly that in the exercise of these powers it should not bring itself in conflict with, or encroach upon, any place of worship or religious sanctity. Take, for instance, a board which wishes to make a new road and that road may interfere with a place of worship. A little change would avoid, and a little unreasonable persistence may create, a considerable amount of trouble. These are, shortly, my reasons for making this motion and I trust that they would commend themselves to the House. I would therefore request the House to accept this motion.

The Hon'ble Pandit Jagat Narayan: The only thing that I can place before the House is that this would prevent an amicable arrangement or settlement being arrived at between the boards and the parties concerned. However, if the House accepts this amendment, I have no objection.

The amendment was put and adopted.

The motion that clause 98, as amended, do stand part was put and adopted.

CLAUSES 99 TO 108.

The motion that clauses 99 to 108 stand part was put and adopted.

CLAUSE 109.

Pandit Baijnath Misra proposed to add a new clause after clause 109 to the following effect:—

"The Local Government shall allot such a portion of the land revenue and shall from time to time grant such other sums from the provincial revenue as it considers reasonable and necessary to assist the district boards in the proper discharge of their one or more duties."

The Hon'ble Pandit Jagat Narayan : May I know, Sir, whether this amendment is in order, viz., whether it can be moved without the sanction of the Government of India ? It proposes to create a charge on the land revenues of the province. I therefore ask for a ruling.

The Hon'ble the President disallowed the motion and it was accordingly not moved.

The Hon'ble the President : Before the honourable member moves the amendment [omit the words "as modified by this Act" in clause 109(*a*)], I must inform the House that if the words "as modified by this Act" were omitted, the clause would become meaningless.

Mr. Zafar Husain : If these words were to be omitted the position would remain what it is at the present time.

The Hon'ble the President : The amendment cannot be moved. It would make the clause meaningless.

Thakur Jagannath Bakhsh Singh : I move that the following proviso be added to section 109 :—

"Provided that a board shall not effect an increase in the local rate that may be in force under (*a*) at the passing of this Act unless the tax on circumstances and property under (*b*) has been in force."

I think I have little to say about the proviso, as it is very clear and the honourable members of the House can very easily understand what I mean. Still I will make my position clearer. If the proviso is added to the clause, the result of the addition would be that the local rate which it is proposed to impose under clause (*a*) of section 109 would only be imposed if the tax on circumstances and property had come into force. It will be admitted on all hands that the zamindar has been the chief person who has been paying the local rate since the constitution of the district boards. He has been the chief source of income to the district boards hitherto, excluding of course the Government. When the board has decided to impose another tax under sub-clause (*b*), it is only meet and proper that the new tax should be imposed before any addition is made to the old tax. On the other hand, if the taxation clauses are passed, the boards will be at liberty to make an addition to the local rate allowed in the bill already in existence to any extent in the near future. Referring to the very lucid and forceful speech made by the Hon'ble the Minister for Local Self-Government in presenting this Bill to the House the other day, he mentioned the fact that the tax on circumstances and property is an indefinite thing. In this House he is, if not the best, one of the best authorities on the question of taxation on circumstances and property. Having served in the Lucknow municipality for a very long time he can be supposed to possess better experience of this tax, so he truly said that it was an indefinite tax. It may yield an income of 7 or 10 or 18 lakhs; nobody knows. Further, if the tax on circumstances and property is not imposed before an addition to the local rate is made, the boards will be working in the dark and will have no idea of their financial position as to how much they will realize from the tax on circumstances and property.

How will they, then, be in a position to decide the fraction in order to make an addition to the local rate ? I therefore submit that the tax on circumstances and property should be imposed first, and any addition

[Thakur Jagannath Bakhsh Singh.]

to the local rate which may be decided upon by this Council, afterwards. Secondly, the tax on circumstances and property is not an easy tax. The boards will have to make their own arrangements for imposing and realizing it. It will be a new tax. On the other hand, an addition to the local rate can be made by a stroke of the pen. The revenue which is paid by the zamindars is already entered in Government records, and very little extra labour would be involved if it be decided to increase the local rate. I therefore apprehend that the hard pressed and empty-purse Finance department may for the sake of convenience sanction the addition to local rate and shelve the proposals for the other tax indefinitely. I think I have made myself clear on the point. In the end may I hope that the opposite benches will consider the matter individually, and will not be carried away by any mandatory order in this matter? With these words I place my motion for acceptance before the House.

The Hon'ble Sir Ludovic Porter: It is with considerable trepidation that I have ventured again to intervene in this debate, but I hope the honourable gentleman opposite would welcome an errant sheep back to the fold. I heartily hope that the Council will not vote this amendment. I am speaking from the point of view of the custodian of the public purse. To begin with, as the honourable member himself admitted, there is no machinery at present for collecting this tax, unless the boards fall back upon those pillars of the State, the tahsildar, kanungo and patwari, and whether the Revenue Members of the future will be inclined to lend them for this purpose seems to me doubtful. Consequently the boards will have to set up their own machinery for collecting this tax, and it will certainly take them from a year to eighteen months to do so. Secondly, we have made a rough estimate of what this tax is likely to bring in. I am quite certain that it will not be more than seven or eight lakhs, and I should think it will be a good deal less by the time all the objections have been heard. Now the present recurring deficit of the boards, which has been met from closing balances and will shortly have to be met from the provincial revenues, is not less than thirteen lakhs; and from the figures I have been examining this morning it appears to me that it is much more likely to be twenty lakhs. Consequently seven lakhs wont go more than one-third of the way towards meeting the existing deficit, without providing one penny for any further expansion and without providing one penny for the increased cost of establishment, which will certainly have to be met under the Bill.

Then, speaking for myself, though I am here trespassing on the province of my honourable friend the Minister, I cannot see why, when you are setting up local self-government, you should start by fettering the discretion of the local authority in this manner. If you believe in local self-government at all, surely, if you empower the boards to impose taxation, you must leave it to their discretion as to which taxation to impose and when, and it is for these reasons, and particularly from the financial point of view, that I oppose this amendment.

Rai Thakur Mashal Singh Bahadur: I give my whole-hearted support to the amendment. It is known that the zamindar has been carrying his burden of taxation for a quarter of a century, and if any new addition is to be made, it is necessary that other sources of income should be

tapped first. After introducing the tax on circumstances and property we will not grudge if an addition is made to our taxes, because we have agreed that if local self-government is given we shall be responsible for the taxation as well. Without the power of taxation these district boards will be nothing. On principle I admit that the power of taxation on land should be given to the district board; but unless and until the tax on circumstances and property is introduced, this new tax should not be imposed at all. With these words, I support the motion wholeheartedly.

Lieutenant Kunwar Jamshed Ali Khan: In support of the motion before the House I wish to say a few words only. When the tax on circumstances and property has been made a sound source of income for the district boards, it will be nothing but aggravating the difficulties of the agricultural classes if they are forced to pay more; for they are giving 10 per cent. already. We should first tax circumstances and property and then look to any other direction. Why should the poor be caught by the neck at the very outset?

Rai Kunwar Parmanand Bahadur: I wish I had the vigour of a young man to press as hard as I could the amendment for the favourable consideration of the House, especially of the Hon'ble the Finance Member and of those who may share his opinion. From the very commencement, as the papers in the possession of the Hon'ble the Minister for Local Self-Government will show, the zamindars have raised their voice against any increase in taxation. Rai Thakur Mashal Singh Bahadur has already explained the position; but as the matter is important I might be allowed to again refer to the fact that we do not oppose the principle that district boards should be given authority to levy taxes.

The Hon'ble Mr. C. Y. Chintamani: Hear, hear.

Rai Kunwar Parmanand Bahadur: I do not know whether these words are words of approbation meant as an encouragement to the speaker or whether they are intended to discourage him; whatever their character, it is a matter of total indifference to me. For many years our cry has been—and it has been a cry in the wilderness—that we should not be overtaxed. You may squeeze the zamindar, but for Heaven's sake don't squeeze him to death. If the appeal does not commend itself to the Hon'ble the Finance Member and to others, it is more our misfortune than our fault. We have, for years and years, been paying 10 per cent. on Government revenue as cess. It is now proposed by this progressive measure that the tax should be very considerably raised. According to the figure as given in the Bill, the increase proposed is very substantial; the figure 10 is to be raised to 17. Whether the last-mentioned figure is to be gradually brought down or is to remain as high as it at present is, it is a question yet in the region of uncertainty. It is said that district boards are in immediate need of money. May not one pause here and inquire how this need has arisen and how the condition has become so acute as to tempt even the considerate and kind-hearted Finance Member to put his knife into the zamindar. The increase—if the information which has leaked out from the confidential records of the Secretariat be correct—is due very largely to the increase in salaries; and where does this increase begin? It begins with the betterment of the prospects and salaries of the covenanted Civil

[Rai Kunwar Parmanand Bahadur.]

Service. Then come the other services, and once increase in salaries is started it continues and reaches the officials in the service of district boards. What is the reason given for this increase? It is that prices have gone up. It is said:—"We have to maintain their respectability and integrity and have to save them from temptation, and therefore we must increase their salaries." The all-round increase in salary is the direct cause of bringing about deficits. How were these deficits to be made up? By the usual method of taxation—the members of the Progressive Party would in this matter help the Minister and the Government undoubtedly. The Government suggests an increase in land taxation. Zamindars are not accustomed to raise their voice; they have not yet learnt the method of organization; they cannot stand together. Any attempt on their part to unite would get frustrated. Their compacts, unstable as straw, would be blown away. Sir, if in all fairness, rise in prices is a justification for a rise in salaries, may not the zamindar fairly come to the kind-hearted Government and say:—"Please reduce our revenue in order that we may also be able "like others, to improve our position?" If even that request be unreasonable, would no one listen to a more moderate request when we say:—"At any rate leave us where we are." Would even the Government whom we have always supported have a deaf ear to us? Many years ago at school I was called upon to translate into vernacular a passage which I may be permitted to repeat here:—"I adore you, not because I expect anything at your hand, but because you leave me where I am." If we have not made out a case for a reduction in revenue and in taxes, certainly our request is that we may be dealt with fairly, and left where we are, and no extra burden be laid upon us.

The reason given for increase in salaries, as I have already said, is that prices have gone up. Now in these province—I speak with absolute certainty in regard to the province of Agra and without much fear of contradiction in regard to Oudh—rents are collected by zamindars in cash and not in kind. Prices of food-grains have risen, but the zamindar's income remains the same and he does not gain by this rise. Now, let us see for a moment what is left to the zamindar out of which a further share is attempted to be taken away. On a rough calculation, he is not able to put into his pocket more than Rs. 25 out of every Rs. 100 collected; revenue cesses, uncollected rent court costs not brought back, all put together take away Rs. 75. The value of the rupee having fallen, the net balance is about Rs. 15: could it be very much more? Is not the Government satisfied that we are paying enough? Under clause 110 we have been held out a hope that there would be others to share the burden with us; I refer to the tax on circumstances and property. It does not exclude the zamindars, but it does extend to others. I feel sure that even under this head the zamindar would pay a fair share. The amendment merely asks that the clause relating to this tax on circumstances and property should not exist merely on paper without any advantage to the zamindar, but should be made something real and substantial. And how can you make it real and substantial? The only effective way in which we can do so is to bring in the amendment. The Hon'ble the Finance Member is naturally anxious to collect as many rupees as he can and he is not prepared to agree to the suggestion. We feel that the only way to force the hands of Government would be to have this amendment in the

Act. We say:—Have the tax on circumstances and property; balance your income with your expenditure, make reductions in the expenditure where reductions may be possible, and then if you find that the balance in your hand is not sufficient to enable you to carry on the work, turn to other directions. Tenants so far have not been taxed with cess: for him this would be a new burden. The zamindar has already been paying more than he can conveniently pay. If you deprive both the zamindar and the tenant of the little consideration available under clause 109, by not insisting upon making the tax on circumstances and property a reality, you create a situation which, should it turn out to be a source of widespread discontent, the Government alone would be responsible for. We do not want to escape our liability; we do not want to throw our burden on to anybody else; all that we say is that if we are liable to taxation, other subjects of His Majesty the King-Emperor are equally liable, and equal treatment should be extended to all.

Pandit Gokaran Nath Misra: The honourable member who has just preceded me has imported a little bit of heat into the discussion. I do not think that the amendment which is for consideration before the House requires any heated discussion at all, because we are not considering the question of additional taxation; we are considering the question whether the power of taxation is to be given to district boards or not, and, according to the honourable member who represents the zamindars of Agra, the principle is conceded on all hands. According to them, as he said, nobody in this House denied that the district boards were to be self-governing institutions. If the district boards were to be given the power to carry on the administration for themselves it would be necessary that the present system, by means of which they carried on administration by small or large grants from the Government, should be done away with. If that principle is acceded to and if it is not denied that the district boards have to be given the power of taxation, nobody should anticipate what the action will be which may be taken by the district boards themselves. The district boards will be constituted under this Act on a very broad franchise; the tenants and zamindars have been given very wide representation on those bodies, and I feel perfectly sure that the interests, not only of the zamindars and tenants, but all other interests in the rural area, will be represented on those boards. If then they are to be responsible bodies, bodies which will represent the opinion of all sections of the community living in the rural area, then I think we had better trust those bodies. Why should it be presumed by my friend who represents the zamindar interests in this Council that the district boards will set their heads against the interests of the zamindars? My friends the zamindars will be on the district boards; and I think for a long time to come they will be a preponderating element on those bodies. Why therefore are they distrusting those bodies? On one side we are constituting them on as broad a franchise as possible, and on the other we are saying that these bodies should be distrusted. I say that the attitude taken by my friends here is absolutely unjustifiable.

What is the point which we have to consider? We have not to consider those points which have already been conceded by many persons, by many honourable members, in this House and outside. If those points are conceded, what is the real thing which is embodied in this motion? My honourable friend who is the representative of the British

[Pandit Gokaran Nath Misra.]

Indian Association in this Council and who has moved this motion, says that there are two taxes which are to be levied under this Bill. One is an additional increase in the cesses which are levied on the zamindars and the second is a tax on circumstances and property. His motion attempts to lay down that the tax on circumstances and property should precede the raising of the cesses. I beg to point out that the Hon'ble Minister, when he introduced the Bill, clearly pointed out to the House the financial position of the district boards in these provinces. The Hon'ble the Finance Member has also stated today what the financial position of the boards is. We find that the boards at the present day cannot carry on their administration satisfactorily unless a sum of over Rs. 20 lakhs is found. How is that sum of Rs. 20 lakhs to be found? The sum of Rs. 20,00,000, it is perfectly clear, cannot be found either by imposing the additional cess alone or by imposing the taxes on circumstances and property alone. To me it appears that the suspicion is altogether unjustifiable. If the district boards want to place themselves in these provinces in a satisfactory position financially, they will have to impose these taxes simultaneously. That should be the only attitude to take. Now if you take up the attitude that first the taxes on circumstances and property should be imposed and then alone the additional cesses ought to be raised, I think you are not acting fairly. My zamindar friends ought to be fair with respect to all the interests that are concerned in rural areas. If the zamindars and tenants have their interests in rural areas, it is also perfectly true that others who are living in rural areas but follow other professions have also interest in rural areas. If that is so, a fair and just position has to be taken in this legislature by the members. We are not here to take sides. We have only to be fair to each community. If we are to be fair, there is no reason at all why you should lay down the principle that first the tax on circumstances and property should be imposed and only after that the additional cesses are to be levied. As I have just now said, the position will be that the district boards, the moment they are constituted, will not be able to carry on their work without having both the taxes.

Then a feeling of distrust has also been given expression to towards the Finance department, and it was said that probably the Finance department will also act in a manner which will be detrimental to the interests of the zamindars. I do not see any ground for feeling that distrust and suspicion of the Finance department. Is not the Hon'ble the Finance Member as keen for the success of the district boards now launched under this Act as any honourable member of this House? Is the Finance department in any way less zealous in watching the interests of the zamindars as any zamindar? Therefore it is altogether unjustifiable to entertain the fear that if the additional taxation in the form of additional cesses be realized first, then there might be a chance for the Finance department to refuse sanction for the taxation on circumstances and property. I think there is absolutely no justification for any such suspicion. If the zamindar members of this honourable House think that they should be dealt with squarely and fairly, we are all willing to help them and sympathize with them and do our best to be fair and just. Nobody wishes that the zamindars should be placed in an invidious position. I only appeal to them to take a fair and just attitude in their

own self-interest. I think there is no necessity to move this motion at all. To me it appears to be altogether superfluous and unnecessary to say in the Statute book that unless you have imposed the taxation on circumstances and property you should not be in a position to impose the additional cess which it is intended to impose under this Act. The thing will come of itself and both the taxes will be imposed simultaneously. I do not think any district boards will be able to get on until it takes early steps to impose within its areas the taxes on circumstances and property also. I think circumstances will themselves tend to enable the zamindars to achieve the object which they have got in view. I therefore think that this motion is altogether unnecessary, as it is based on suspicion and distrust for which there is no ground at all. I hope my honourable friends who are responsible for this motion will, after receiving the assurance of the Hon'ble the Finance Member, see their way to withdraw the motion.

Mr. A. W. Pim: May I be permitted, Sir, to move an amendment to the amendment under discussion?

The amendment which I propose to substitute for that of the honourable member is that a proviso should be added as follows:—

> "Provided that a board shall not effect an increase in the local rate that is in force at the commencement of this Act unless a tax on circumstances and property is simultaneously imposed."

There are two . . .

The Hon'ble the President: Will the honourable member wait?

The amendment offered is that in the original amendment for the words after the word "that" where it occurs in the second line the following be substituted:—

> "is in force at the commencement of this Act unless a tax on circumstances and property is simultaneously imposed."

So that the amended amendment would read:—

> "Provided that a board shall not effect an increase in the local rate that is in force at the commencement of this Act unless a tax on circumstances and property is simultaneously imposed."

Kunwar Jagdish Prasad: Do the standing orders permit this?

The Hon'ble the President: An amendment to an amendment can ordinarily be proposed without notice.

Mr. Shakir Ali: This amendment has been on the notice paper since the 8th instant. If the honourable member wanted to move an amendment to the amendment, he had ample opportunity of doing so before this.

The Hon'ble the President: The original amendment, I understand, came only on the 8th. The Hon'ble Minister cannot be expected to make up his mind about the amendment in the course of two or three minutes. The Bill has been before the public for nine months and the mover of the original amendment had certainly all that time to put in his amendment, but he waited up to the 8th. I permit the amendment to the amendment to be moved.

Mr. A. W. Pim: The reasons for proposing this amendment can be very briefly stated. The Bill provides for two classes of taxation, an increase in the local rate, which falls on zamindars and tenants, and a tax on circumstances and property, which falls mainly on other classes. The two main conditions to be fulfilled in imposing these taxes are that on the one side the requirements of the district board should be met, and on the other that whatever taxation is imposed to fulfil those requirements shall be fairly and equitably distributed. The zamindar speakers who have supported the original amendment have laid great stress on an equitable distribution and they fear that district boards may content themselves with the very easy course of simply increasing the local rates and may then do nothing to equalize the burden by imposing a tax on circumstances and property. It seems to me that this Council is above all anxious that there shall be a fair distribution of the new taxation, and it seems reasonable that a provision to that end should be incorporated in the Bill. It is for this reason and to remove any doubts that may be felt by zamindars or tenants as to equitable distribution of the burden of taxation that I move this amendment before the Council.

Mr. K. P. Singh: May I first know, Sir, if this amendment to the amendment will effect my amendment No. 213-D to clause 109? [Add the following proviso: "That no board in any district shall raise the existing local rates (if any) so long as the income raised from the circumstances and property tax is sufficient to meet its existing deficiency or special scheme."]

The Hon'ble the President: The honourable member's amendment is so very vague that nothing should affect it. Who is to judge the sufficiency of any particular tax to meet an unspecified special scheme? The honourable member had better speak to the amendment that is now before the Council.

Mr. K. P. Singh: Before I speak to the amendment or to the amendment moved to the amendment I beg to inform the House that I will place before this House facts which will go to show that the district board has got many other sources of income which will not only be sufficient to meet any deficiency but will give a large surplus for its future growth and expansion. I think I will get an opportunity when I move my amendment to speak on that. Here I confine my remarks only to this part of the amendment. The reason why I was actuated to move an amendment that the tax on circumstances and property should be first realized and then the tax should be levied upon land, was that land should be the last and the least to be taxed. I have to make two observations: one is about the speech of the Hon'ble the Finance Member who says that it is better to leave the hands of the boards free. The danger is this. On the abstract principle of taxation the Hon'ble Minister for Local Self-Government pointed out that one of the principles of taxation is easy collection of large amounts with little trouble. From time immemorial and also from the time the British Government came to rule India the only source of taxation has been the land. The first time when land assessment was proposed it was 90 per cent. on the rental in Bengal and over 80 per cent. on the rental in northern India. Here I propose to quote a few remarks from the book known as "Economic History of India by R. C. Dutt."

"No Native Prince demands the rent which we do," wrote Bishop Heber in 1826, after travelling all through India, and visiting British

and Native States. "A land tax like that which now exists in India," wrote Colonel Briggs in 1830, "professing to absorb the whole of the landlord's rent, was never known under any Government in Europe or Asia."

Now, Sir, I know from my past experience of this House that the Government benches more or less go with the House if there is a strong feeling on a certain point. I hope that they will do so on this occasion also. I stand here on the words of the honourable member from Lucknow who said that they would be fair to all communities. I say that that should be the genuine standard. In the taxation which is proposed what is the proportion which the tenantry is going to pay? What the liberal members proposed is that the tenantry has to pay 50 per cent. more than the landlords.

Pandit Gokaran Nath Misra: Is the honourable member in order?

The Hon'ble the President: The honourable member is not in order.

Mr. K. P. Singh: The reason why I propose that the tax on circumstances and property should be resorted to before any tax is levied on land is chiefly that the tax on circumstances and property does not touch the poor tenantry. The tax on circumstances and property leaves a margin of Rs. 200, that is to say, no tax is to be levied upon an income below Rs. 200. This is one of my strongest reasons, because it does not touch the pockets of the tenantry, whose income mainly comes from land and is only Rs. 10 or Rs. 12. The condition of the tenantry today is that they are living in indebtedness and chronic poverty. From time to time, from year to year, from generation to generation they are paying debts to the money-lenders of the village. These are my strong reasons which I place before the members of this Council for the tax on circumstances and property to be levied first. I have to place one fact more for their consideration. It has been said that there exists a deficiency. The deficit amounts to about Rs. 13,24,000 and Rs. 7,00,000 more of which we have got no details before us. I submit that I will speak on this deficit in moving my next amendment, but I will appeal to the Government that up till now the poorest people have been looking up to the Government as a source of their relief and help. Government always expressed in season and out of season its sympathy and feeling for the poor and helpless. Even in the passing of the Oudh Rent (Amendment) Act the Government largely shared the difficulties of the tenants. The tenantry is now in a worse condition than it was before. I would ask, therefore, my honourable friend Pandit Gokaran Nath Misra and others that they should sympathize with the condition of the tenantry. If they really know their needs, their requirements, their chronic indebtedness, their poverty, they will not have the heart to tax them before they can exhaust all the sources of income of the district board. The tax on circumstances and property will fall upon those who have got other sources of income than agriculture in rural areas. Therefore I ask the House to give their full consideration taking into account the miserable condition of the peasantry. I ask the Government to be sympathizers of the tenants and I hope that the Government will give its whole-hearted support to this amendment. First realize money from circumstances and property and then fall upon the land. It has been pointed out by the Hon'ble the Finance Member that the amount raised will not be

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sufficient to meet the existing deficit. We all know that the amount raised from the tax on circumstances and property will be a large sum, but the Government estimate is not ready. There is a section which runs thus :—

"Income will be raised from the annual value of buildings or land which any person occupies in the rural area."

This income will be in addition to the income which they will gain from the persons carrying on trade and business in rural areas. They are going to introduce a sort of house-tax in rural areas. We all know that there are amendments to clause 115 to the effect that 6 pies or 8 pies should be substituted for the 4 pies originally proposed in the Bill. The original proposal was to raise 4 pies in the rupee as tax on circumstances and property. That will bring in about 7 or 8 lakhs. If the amendments which are on the paper are adopted this amount will be doubled, that is the income will be 16 or 15 lakhs. That will largely go to meet the requirements of the Government regarding deficit. I therefore appeal to the honourable members of this House on those grounds to give their support, emphatic support to this amendment. It will save undoubtedly the helpless, indigent and resourceless tenantry. It will be a just tax as it will fall on those who can afford to pay. That is the principle of taxation. It is against all the canons of taxation to tax those people who are already helpless and resourceless. Come out, openly attack us, but for heaven's sake do not rob the tenants who are unrepresented.

Pandit Gokaran Nath Misra : They are sufficiently represented here.

Mr. K. P. Singh : With these few words I support the amendment and would ask the Government to keep to their promise, to keep to their pledges and support the cause of the tenantry who are quite helpless.

Pandit Govind Sahai Sharma : It is rather with a very heavy heart that I rise to speak on this amendment. Before I make any observations I want to make my position clear and it is like this. I do not belong to the zamindar class because I have got no zamindari in these provinces, and I must say that I do not belong to the other party as well. I am not a liberal or a member of the progressive party. I have not been in a position yet to find out which party I should belong to and which party I should not belong to. I stand with a clear conscience to do my duty towards my country and I will stand by the party which serves the country, which is first for the country and then for the party itself. With these few observations I must say in the very beginning that I am not against any further taxation. I know that we cannot make any progress in this world without any taxation.

But at the same time I must say that there is a time for everything. What we have to decide in this House is whether this is the proper time for any further taxation or not. We have to decide what sort of taxes we ought to have at this time and what not. We are passing through very critical times. Not only India, but the whole world is watching us. We have been crying for retrenchment—retrenchment not only in the Imperial Government but in the Provincial Government and in local bodies. If we are true and honest in our convictions, if we have got

any strength of character, we must stick to our convictions and stand for what we have said. Let us wait for Lord Inchcape Committee's report, which is already sitting in Delhi.

The Hon'ble the President : The honourable member is straying very far from local bodies.

Pandit Govind Sahai Sharma : I understand that Lord Inchcape's Committee is not only going to retrench expenditure in the Imperial Government but also in the Provincial Government.

The Hon'ble the President : The honourable member must confine his remarks to the local bodies which are now under discussion.

Pandit Govind Sahai Sharma : The local bodies are a part and parcel of the Provincial Government. They are not outside the Provincial Government as they are supported by the latter, and therefore I must say a few words about them. Let us await the result of the Retrenchment Committees both in the Government of India and in the different provinces. It is just possible that as a result of retrenchment the Provincial Government may be in a position to give more grants to the local bodies, and if that be the case, there would be no necessity for any further taxation. It is in this way, Sir, that I connect the local bodies with the Provincial Government, and I hope that the House will agree with me when I connect the two together.

The Hon'ble the President : The honourable member is going very far from the amendment. I must ask the honourable member to resume his seat unless he confines his remarks to the amendment before the Council.

Pandit Govind Sahai Sharma : I bow to your decision. I submit that if we accept the amendment of Mr. Pim, it does not make very much difference. It is quite possible that if retrenchment is introduced in different local bodies, they may be in a position to find out how much they require for their expenses. They may say :—We do not want any more for primary education. We do not want the kind of education which you wish to give. We do not want costly buildings. Our children can read under the neem trees. Therefore, my submission is that if you have a tax on circumstances and property before any increase is made in the existing local rate, it will be possible for the local bodies to find out where they stand. With these words I support the amendment of my honourable friend Mr. Zafar Husain.

The Hon'ble Pandit Jagat Narayan : While agreeing with what has been said by the Hon'ble the Finance Member, I do not think that the question which is being discussed now is of a great fundamental importance. It appears to me that the Hon'ble the Finance Member has been misunderstood, and I will put his argument in other words before honourable members. My only intention is to let them know with what difficulties they will be face to face if the amendment is carried. If the newly constituted district boards can save money by retrenchment, who is going to prevent them ? If they can make both ends meet, who would force them to levy taxes ? The whole fallacy underlying the speech of the last speaker was, as if Government was going to levy this tax without the district boards themselves coming up before Government and saying that they cannot afford to meet the expenditure. Here you have given the power of taxation to the district boards. Government thinks that

[The Hon'ble Pandit Jagat Narayan.]

having regard to the normal income and expenditure, they will be in need of money. If the new district boards, which will be composed entirely of landlords and tenants, probably a majority of landlords, find that without levying further taxation they can manage their own affairs, there will be nobody to compel them to impose an additional tax. Secondly, take the question of Government grants. I am not going to discuss the recommendation of the Inchcape Committee or the committee appointed by the Local Government to go into the question of finances. I submit that you are in the majority—that is your case—and therefore if you can make the Finance department place, say, an additional twenty-five lakhs of rupees every year in the hands of the Minister for Local Self-Government, will there be any need for you to impose additional taxation? I cannot for the life of me understand why everybody is so much afraid of taxation. I say that retrenchment is in your hands. You can make both ends meet. You are in an overwhelming majority in this Council—that is your claim. Therefore when the budget comes up for discussion, do your best that the Minister for Local Self-Government does get twenty-five lakhs of rupees which he requires for the purpose of giving to the district boards further grants. I do not think that any Minister who is in his senses would ever compel district boards to impose further taxation when he is in a position to give them additional grants.

As I have said before, the whole point is that the tax on circumstances and property will not materialize before a year has elapsed. You have to make arrangements for your expenditure from the 1st of April, 1923, and in this Act the very first clause says:—"You can alter or abolish this tax." Therefore my contention is, why fetter your discretion, why are you afraid of yourselves? You will be there in the majority: the tenants will be there in the majority. You will have to pay two-fifths: the tenants will have to pay three-fifths. Therefore, whether the tenants or landlords are in a majority, they will not be ready and willing to touch their own pockets unless and until it is absolutely necessary. If after the 1st of April you find that you cannot carry on the district board administration, you can impose a tax or a small percentage of the additional cess. But by this section as soon as your machinery of levying a tax on means and circumstances is perfect, as soon as money is realized from that source and you find that it is sufficient for your purposes, you can at once alter or abolish this tax. What is there to prevent you from doing so? I may assure you that as soon as you can manage your affairs by means of a tax on circumstances and property or other sources, there will be no Government which will compel you to impose the tax on land in order to carry on your day to day administration. Further, I do not think there is any need to make appeals in the interests of the tenants. The whole question is whether the power of taxation should or should not be given to the district boards. The landlords say:—Where was the need? My reply is that the district board administration cannot be carried on with the 70 lakhs of present cess together with about 66 lakhs which is given by the Government as grant and with 35 lakhs which is the income from other sources. Therefore this power is being given to the district boards. In the district boards you will be in the majority. It will not be the *baniyas* or anybody else: it will be either you or the tenants. Therefore

there is no reason to apprehend that people in the majority in the district boards will without any rhyme or reason, without any necessity, tax themselves. Lastly, if after six months or one year's experience when the machinery of your taxation is perfected you find that your income from other sources is sufficient for your needs, you can by only passing a resolution—nothing else is required—remit this newly imposed additional cess. I am of opinion that there is not much difference between the original amendment and the amendment to the amendment. I will read it out to the honourable members. It runs :—

"Provided that a board shall not effect an increase in the local rate that may be in force under (*a*) at the passing of this Act unless the tax on circumstances and property under (*b*) has been in force."

A strict interpretation of the clause will possibly make a difference of about six months because it is contemplated that as soon as the tax on circumstances and property is enforced, additional cesses can be imposed. Now, in the amendment, instead of saying "at the passing of this Act", the words "at the commencement of this Act," are substituted; instead of saying that the tax on circumstances and property has been in force, it provides that the tax on circumstances and property be levied or imposed simultaneously with the cess, I do not know what difference it makes. Probably in certain circumstances it may make a difference of about two or three months, or say six months.

The only thing is that when you make your own arrangements for the tax on circumstances and property and after you have begun to get an income from that tax, you may levy the tax and increase your cess. That does not make any difference. However, the wording of the original amendment is better than this amendment, but if the Council thinks that these words are better than the words of the amendment to the amendment, I would leave it to them to decide.

Rai Kunwar Parmanand Bahadur : I rise to oppose the amendment proposed by Mr. Pim. I fear, Sir, that our position has not been fully appreciated.

Mr. A. W. Pim : I rise to ask permission of the Council to withdraw the amendment to the amendment which I proposed.

The motion was, by leave of the Council, withdrawn. Discussion on the original amendment was then continued.

Saiyid Al-i-Nabi : So far as the amendment that has been moved in this Council is concerned, I support the motion on the ground that there is absolutely no reason in fairness, in justice and equity that while the zamindars should bear the tax, the other people living in the rural areas should get the benefit of the tax. So long as the tax on circumstances and property does not come into operation, of course the zamindars will have to pay for them. They will be getting all the advantages of those institutions, such as schools, dispensaries, libraries, orphanages and other kindred institutions at the cost of the zamindars. There is no doubt that the zamindars are perfectly correct when they say that for years and for a generation at least they have been at their own expense giving the benefit of these institutions to all the people living in the rural areas and they are perfectly correct when they take up the position that this sort of thing should stop and that all those people who

[Saiyid Al-i-Nabi.]

derive the benefit should pay for themselves. In opposition to this some arguments have been put forward by the member for Lucknow, but he has only touched the fringe and has not really tackled the issue. The issue of this point is whether this tax on circumstances and property should not be put in force first before an increase is made in the local rates. He has only applied his mind, as has been done by the Hon'ble Minister in charge of Local Self-Government, to the fact that the zamindars are in a preponderating majority on these local boards, that they will have to decide themselves whether to put the tax into operation or not. The position is that they say in response to what has been stated by the Hon'ble the Minister for Local Self-Government that the zamindars are also in a majority here and they would be in a majority there. They say that having a majority in the Council they find it an up-hill task—a very great struggle to get out of this tax. And the same might be their fate in the district boards when they sit there. The district boards will not be solely manned by the tenants or the landlords. On their strength they would have educated people, as it has been laid down that they will have people who pay on circumstances and property, and so forth. Their circumstances may be different, and when a piece of legislative enactment is placed before the Council, it should be the duty of the Council to see that that enactment lays down definitely and specifically and in the clearest possible way the rights and duties of the people concerned. When they are dealing with taxation clauses they need to be sure on that point and should not leave it to the possibilities of the future. That is so far as this is concerned.

Now, it may be said that after all this power has been given to the district boards to tax themselves and if they please they may not tax themselves. I say this is a legislative enactment. It goes out from here to be enforced. It is not sent out from here to be treated as a dead letter. It is to be enforced, and it is the zamindars' duty to see that the taxation clauses are enforced in a manner so that their interests may not be prejudiced. I think this amendment does not seek much after all. It only lays down that other people who live in the rural areas must pay the tax, and this tax must be brought into effect before the increase in the local rate is made. It is a perfectly legitimate position to take.

The Hon'ble Mr. Chintamani: I move the closure.

The Hon'ble the President: The question has been already discussed at great length since this morning, and I do not think there can be very much new to add. I call on the honourable mover to reply.

Thakur Jagannath Bakhsh Singh: My amendment has first been opposed by the Hon'ble the Finance Member, and when the Hon'ble the Minister for Local Self-Government spoke on the subject I could not find out as to whether he accepted the amendment or opposed it. So I am at a loss to know as to whether to reply to the opposition or to the acceptance of the amendment.

The Hon'ble Pandit Jagat Narayan: I have nothing more to say.

The motion that the following proviso be added to clause 109 was put and adopted :—"Provided that a board shall not effect an increase in the

local rate that may be in force under (*a*) at the passing of this Act unless the tax on circumstances and property under (*b*) has been in force."

The Hon'ble the President: The question is that clause 109 as amended stand part.

Babu Shankar Dayal: The amendment which stands in my name runs thus:—

Substitute the following for clause 109:—

"(*a*) A board may impose a local rate under section 3 of the United Provinces Local Rates Act, 1914, which shall not exceed 5 per cent. upon the letting value of the estate."

This is the first part, Sir. The second part . . . . .

The Hon'ble Mr. C. Y. Chintamani: I rise to a point of order, Sir. The honourable member moves "that the board may impose a local rate under section 3 of the United Provinces Local Rates Act, 1914." But we have carried clause 2 of the Bill which says: "The Acts mentioned in Schedule III are hereby repealed to the extent specified in the fourth column thereof." We have carried the clause already.

The Hon'ble the President: That is so.

The Hon'ble Mr. C. Y. Chintamani: One of the things which has been repealed is section 3 of the United Provinces Local Rates Act. Therefore I think the honourable member is too late in rising to move this amendment.

The Hon'ble the President: The Hon'ble Minister is right in saying that section 3 of the United Provinces Local Rates Act has been repealed and that therefore the amendment as proposed cannot be moved.

Babu Shankar Dayal: No, Sir. I think the Hon'ble Minister is mistaken. Now the House will be pleased to see that section 109 of the Bill provides that "a local rate under section 3 of the United Provinces Local Rates Act, 1914, as modified by this Act." I submit that there is an allowance made with respect of section 3 of the United Provinces Local Rates Act and my amendment is in connection with sub-clause (*a*).

The Hon'ble the President: Does the honourable member wish to add the words "as modified by this Act"? Has the honourable member the permission of the Council?

After ascertaining the sense of the House the Hon'ble the President declared that the amendment could not be moved.

Babu Shankar Dayal: I call for a division.

The Hon'ble the President put the question that clause 109 as amended stand part.

Pandit Baijnath Misra: Have I permission to move the amendment standing in my name, amendment No. 213C?

The Hon'ble the President: In regard to clause 109 no further amendment can be moved. The question has been proposed.

Clause 109, as amended, was put and adopted.

CLAUSE 110.

Mr. G. B. F. Muir: I move that in sub-section (1) of section 3 of the Local Rates Act the words "within Oudh or within any part of the province of Agra not subject to the Benares Permanent Settlement Regulation, 1795" be omitted; and after the word "impose" the following words be inserted, namely, "in any local area within (after this I have made a verbal alteration by substituting the word "the" for "such") the district not subject to the Benares Permanent Settlement Regulation, 1795;" and for the words "the whole or any part of such district," the words "such local area" be substituted.

This amendment is purely a formal one and is only moved for the following reason. When the clause was originally drafted it was thought that districts were either entirely subject to the Bengal Settlement Regulation or were not so. It was subsequently discovered that small portions of the Benares and Mirzapur districts are temporarily settled, while the greater part of those districts is permanently settled; consequently if the clause were retained in its existing form, it would empower the district boards of those districts to impose both a tax to be levied on the annual value and an acreage rate. That of course is not the intention.

The first part of the motion that in sub-section (1) of section 3 of the Local Rates Act the words "within Oudh or within any part of the Province of Agra not subject to the Benares Permanent Settlement Regulation, 1795" be omitted and that after the word "impose" the words "in any local area within the district not subject to the Benares Permanent Settlement Regulation, 1795" be inserted, was put and adopted.

The next part of the motion that for the words "the whole or any part of such district" the words "such local area" be substituted, was put and adopted.

Mr. G. B. F. Muir: I move that in sub-section (2) of section 3 of the Local Rates Act the words "within any part of the Province of Agra subject to the Benares Permanent Settlement Regulation, 1795" be omitted.

The motion was put and adopted.

Mr. Zafar Husain: I beg to move that in "3(1)" of clause 110 for "8½" per cent. substitute "5" per cent. It will be seen that this amendment has been taken . . .

Rai Sita Ram Sahib: I rise to a point of order. According to clause 109 we have already said:—"a local rate under section 3 of the United Provinces Local Rates Act, 1914, as modified by this Act." Section 3 of the United Provinces Local Rates Act, 1914, provides for a land cess of 5 per cent. If this amendment of the honourable mover is allowed to be moved, the words "as modified by this Act" would become superfluous.

The Hon'ble the President ruled that the motion was in order.

Mr. Zafar Husain: The Council will see that this amendment has been taken by me from the United Provinces Local Rates Act, 1914, section 3. In that section it is provided that "a rate to be levied in respect of each estate in such local area was to be assessed at a prescribed amount

not exceeding 5 per cent. upon the annual value of the estate." That is to say, the object of moving this amendment is that there should be no further increase of taxation on land and that the position should be the same henceforth as it was before this Bill. I do not want to cover the ground that has been taken already in regard to the history of taxation, but I may be permitted to say that after the final conclusion was arrived at by Government on the question of taxation, there had been several informal discussions. Before those discussions, the Government inserted a provision in the Bill to double the tax which we have been paying so far. In the Bill that was originally drafted, they proposed to raise the local rate to 10 per cent.

The Hon'ble Sir Ludovic Porter: May I point out to the honourable member that 10 per cent. was the maximum.

Mr. Zafar Husain: If the honourable member had a little patience, I would have explained to him that it was the maximum. The landed class put forward certain suggestions which were accepted by the Government with the exception of one, namely, that the local rate should continue to be assessed on revenue and not on the annual value. Anyhow, the landed class has agreed to this later. It has been pointed out that unless some further power of taxation is allowed to local boards, there can be no improvement whatsoever. I recognize the force of this argument, but the point is whether we are prepared at the present time to increase any further tax on the landed class. I think this is not the proper time for it. I have seen Government pronouncements to the effect that land is the only thing which is excessively assessed, and that there should be no further taxation. The Government are now trying through the transferred departments to increase taxation in order to shut the mouths of those Indian leaders and advocates who have been so far against land tax. They will now say to them that the tax has been increased further not by the executive department of the Government but by the transferred department, which is responsible to the people themselves. I have also seen the force of the argument that was put forward by the Hon'ble the Minister for Local Self-Government only the other day, when he said that this clause being only permissive and the landholders being in the majority . . .

The Hon'ble the President: Will the honourable member confine himself to the debate on this motion?

Mr. Zafar Husain: If the Council agrees to further taxation on land, the result will be that owing to poverty the masses will not be able to bear the additional tax, which may bring about a revolution which it will not be easy to suppress; but that is only a thing of the future, and I will not discuss it further.

The Hon'ble the President: I must again ask the honourable member to confine himself to the present debate.

Mr. Zafar Husain: It has been said that the local boards will be free to impose further taxation if it is at all required, which will yield an income of about 35 lakhs of rupees according to the Hon'ble Minister's calculation on an increase of 2½ per cent. I may point out to Government that today a provision has been made in the Bill to impose a tax on circumstances and property before any further tax on land is imposed.

[Mr. Zafar Husain.]

I am sure that if the figures are properly worked out, they would give more money than is at present contemplated.

I also recognize the fact that there are many important items of progress which are being withheld, but that is not an argument in favour of imposing this tax. We do not want a constitution which will cause millions of people to starve. We want contentment and prosperity. If you thrust this constitution upon the millions of people, I am sure they will brush it aside, simply because they are unable to pay enhanced taxes.

It is said that in the boards the landed class will be in the majority. That may be, but the principle is whether to impose any tax on land. We are opposed to it on principle. If the Council accepts the principle that the tax on land should be increased, I am sure the Government will come forward tomorrow and say that a further increase in revenue should be made as a result of the settlement committee. I will only say that we cannot in any way give up the principle. There are many items under which the boards can increase taxes, if properly managed. There have been arguments to the effect that since members do not take an interest in the affairs of the district boards, the finances are not in a proper condition and therefore there should be further taxation. I say that if there is any apathy on the part of the members of the boards at present it will be removed by having recourse to the principle of making the board truly representative of the people and making the elected members responsible to them. The Government has not taken into consideration the various causes which have led to the present unrest in India. These causes are the poverty of the millions and the extraction of money from the pockets of the poor in order to feed the highly paid officers. We do not want any increase in the salaries of these officers and we also do not want any further taxation. I appeal to my liberal friends in this Council, who are opposed to this amendment, to think twice before voting, because we are as much representatives of the people as they are. I will remind them that on former occasions they advocated the cause of the tenants. Is it proper for them now to oppose the landholders who are the true well-wishers of the tenants, whose interests are as much involved in my amendment as those of the landholders? If my amendment is accepted, the landholders will continue to pay the same local rate which they have been paying up to the present time. I therefore appeal to my liberal friends to support me in this amendment, otherwise it will be proclaimed that only the landholders were in favour of the tenants and that it was a mistake to suppose that the liberals were in favour of the tenants. If the liberals oppose this amendment, they will be doing it for the sake of political aggrandisement and not for any good of the tenants.

Rai Thakur Mashal Singh Bahadur: The honourable mover has shown his enthusiasm in his solicitude for the zamindars and the tenants. I may inform him that I yield to none in my solicitude for them But there must be some consistency among the zamindar members. In the Rule 13 Committee of 1918 their representatives accepted the principle that there should be a tax on land, and that principle is now introduced in the Bill which is before the Council. Later on when the Bill was referred to the Select Committee, they voted for taxation.

So after all these changes, when the Bill has come here to be passed, we stand up and say there should be no taxation, I think our position becomes quite inconsistent. My friend has said that it will bring about a revolution. I do not agree with him. No, there is no questi n of revolution; revolution will come if this is not passed, because if the tenants and the zamindars are illiterate, there is every likelihood of a revolution being brought about. But if we accept our responsibility and if we go into the details of the taxation clauses it will be conceded that there is a great necessity of accepting the principle. What the zamindar party has been fighting for is the proportion of taxation. Of course the land is heavily taxed and excessively taxed, I agree; but there is some difference between taxation. There is the taxation for imperial purposes, for administrative purposes, and there are taxes for the purposes of local bodies. There is a vast difference between the three; we in these Councils have no control over the taxation for imperial purposes; it is not in our power to reduce imperial expenditure. We are quite helpless in regard to that. As regards the provincial administration, in the matter of reserved subjects we are also helpless; but in the case of the transferred subjects if new taxation is being introduced it is for the benefit of the masses, it is for the benefit of the zamindars and also for the tenants. I think we should consider this question calmly and should not bring any odium on the zamindar party by totally refusing the power of taxation on land being given to the board, and I think we should not go against the taxation clauses altogether. No doubt when the question of proportion comes up for consideration, you may make any amendment you like.

The Hon'ble the President: The honourable member has a motion to that effect in his own name. I think he had better move his amendment now as an amendment to the original amendment proposed by Mr. Zafar Husain.

Rai Thakur Mashal Singh Bahadur: I move that "6½" be substituted for the figure "5" in Mr. Zafar Husain's amendment, now before the Council. The maximum amount of taxation proposed in section 110 of the Bill is 8½ per cent. on the annual value of the land, i.e., 17 per cent. of the land revenue. This is to my mind a large increase. So far as I can see it is possible that with the new assessment of land revenue supported by new sources of income such as the tax on circumstances and property many district boards in the province will be able to make both ends meet, provided they set their faces sternly against all extravagances and practise rigorous economy and carry out retrenchments in the desired directions. But nobody can build strongly on those hopes, which might in the end turn out to be illusory. With this end in view, I think it is necessary to give the power of taxation to the district boards to some slight extent. It should be only an enabling provision, as the Bill has been careful enough to provide. The promoters of the Bill should be satisfied with the recognition of the right of taxation given to the board. It is quite certain that these boards will after all be composed of zamindars and tenants who will be the last persons to tax themselves recklessly. I therefore propose that in place of 5 per cent. the amount should be fixed at 6½ per cent. of annual value, that is 13 per cent. on land revenue, and this increased taxation should be divided between the landlord and the tenant in the proportion of two-fifths and three-fifths. To those friends of mine who may discover some

[Rai Thakur Mashal Singh Bahadur.]

hidden mischief to the interests of the tenants in this proposal I will say that I am a landlord and I want to be fair to both the landlords and tenants alike. The landlords are not born with a double dose of original sin. My liberal friends will concede that there are strong reasons for the increased incidence of taxation to be distributed in the proportion which I have proposed. In the first place due weight should be attached to the fact that they have been carrying this burden of taxation on their shoulders for a period of over a quarter of a century. Even now they do not shirk their responsibility. They do not fight shy of the burden. They do not ask the tenants to share their entire tax equally between them and the tenants. They only ask them to share the increased burden of taxation which is being proposed in the Bill. I think my honourable friends will agree that the zamindars will no longer be able to monopolize all the seats in the district boards. The power as provided in the Bill which is before the Council will pass from the landed proprietors to the tenants. The tenants will be in the majority of 75 per cent. in the new electoral roll. So I think it is not in any way a small act of generosity on the part of the zamindars that they do not ask the tenants to share equally with them the burden of taxation which they have all along been carrying on their shoulders. The second point is that the zamindars will have to pay in a lump sum all the tax to the Government. They will not charge anything for the trouble of collecting the tax. It is also known to every one of us that all the cesses and rents are not recoverable. Some of the amounts will be irrecoverable. Besides that when a tenant will not pay the tax the zamindar will have to go to a law court for its realization and he will have to incur expenditure in legal proceedings. For all these the zamindar will suffer himself and the tenant will not have to pay a single shell. In the third place, if the maximum limit of tax is reached the tenant will have to pay less than Rs. 2, whereas the zamindar will have to pay Rs. 11-3-3 per cent. on his revenue. So I think these considerations will incline the members of this House to accept the amendment which I have proposed. I think an obstinate denial of the power of taxation to the district boards, which after all will be run entirely by non-officials chosen from among the tenants and zamindars, will be quite unreasonable. It will amount to a bare-faced attempt to wreck the Bill which will be deplorable to the very persons in whose interest we are called upon to throw out taxation proposals. I therefore think that without fearing the frowns of the future electors we can take courage and vote for what our conscience dictates to be the only right course under the circumstances. With these words I commend my amendment for the acceptance of the House.

The Hon'ble Pandit Jagat Narayan: I rise to accept on behalf of the Government the amendment which has been proposed by Rai Thakur Mashal Singh Bahadur to the amendment proposed by Mr. Zafar Husain, i.e. that the figure 6½ be substituted for the figure 5.

The Hon'ble Sir Ludovic Porter: I only wish to make very few remarks from the financial point of view. Of course the entire official vote will be given in favour of the amendment which my honourable friend has accepted. I think I can say without contradiction that he has shown a most fair and reasonable spirit in meeting the objections raised and naturally raised, to any form of taxation by those whose pockets are touched,

I may say, speaking purely from the financial point of view, that I do not see how he can go any further without absolutely stultifying himself and making the Bill waste paper. This additional 1½ per cent. I calculate, will bring in Rs. 21¾ lakhs when and if the maximum is ever imposed, In addition there is, as I said this morning, about Rs. 7 lakhs from the tax on circumstances and property so, roughly speaking, it comes to Rs. 29 lakhs. The existing recurring deficit of the boards is something over Rs. 13 lakhs. They were also allowed this year to take a sum of Rs. 7¾ lakhs which has been given to them for non-recurring expenditure they have been allowed to take this and apply it to their immediate educational needs. Consequently the total recurring deficit may be taken as Rs. 20 lakhs. About Rs. 5 lakhs is needed to complete the primary education expansion scheme, and there will be further expenses incurred when they have paid secretaries and other establishment, as a great deal of work at present is done by the ordinary revenue staff—the deputy collectors. So the Council will see that the amount of money that will be forthcoming will just suffice to cover the deficit and to meet the immediate needs for education, and nothing more.

I have been asked to give some assurance that the existing grants which are made by the Government will continue. As far as grants for recurring expenditure are concerned, I think I can give this assurance. It must however be clearly understood that for any further grants for further expansion there will have to be a limit imposed, the grants being limited to some percentage of the income raised by the boards locally. In the resolution of the 21st February, 1921, it is true that in paragraph 4 it is stated that the Local Government would not continue permanently to relieve the boards to the extent proposed for 1921-22 and 1922-23. I cannot of course bind my successors, but I may state my own opinion that it will not prove to be practical politics to reduce the grant which we gave last year and are giving this year. We must reserve the right to reallocate the grants as between boards. The allocation made in the past has not been exactly fair; some richer boards got more and poorer boards less than they wanted. With that reservation I can give the assurance which is asked for, that the existing grants will not be reduced. I think the Council will admit that the Government are doing everything they can to help the boards. And I may mention that the existing grants made by Government to the boards amount to 37 per cent. of their total income.

Major D. R. Ranjit Singh: To be or not to be: that is the question. Never, Sir, in my life have I been subjected to a more continued strife between the instincts of a hereditary landlord and the conscience of a progressive liberal. The question of taxation has been agitating the public mind now for nearly two years and every one has seen the different stages it has gone through. However, I confess that this morning it has come to me as a very great relief to see one of the landlords rising to speak and accepting the principle of taxation.

A great deal has been said about the poverty of the tenants and great sympathy has been shown by some landed proprietors with regard to the poverty of the tenants. I would ask these honourable friends of mine to pause and consider whether they are going to revolve round a vicious circle or recognize the causes of the poverty—I should say the misery—of the tenants. I have been connected with certain administrative bodies, and year in and year out it has pained me to see the appalling

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figures of mortality and the miserable and backward condition of education of the people. What is the remedy that we are going to adopt to improve the condition of the tenants? To my mind ultimately the whole thing revolves on their being educated to some extent so that they may be able to keep pace with the struggle for existence. While our landlord friends show an extreme interest to protect the tenants from any increase of taxation, I have been waiting all these years to see whether they are also anxious to look into and tackle the real causes and stretch a lifting hand to these poor tenants.

There is another aspect which has been presenting itself to me more or less as a paradox. Latterly every one of us has been seeing that the whole country has been pressing the demand for progressive realization of responsible self-government. If we are not prepared to accept the principle of self-government in our own homes, I fail to see with what face we could go to the world and say that we do mean business and that we demand gradual realization of self-government.

I am also pained to see a general sense of distrust that has been marked in the speeches of many members. Remembering that this measure is only permissive, remembering that in future the district boards will be the real masters in their own homes, I for one fail to have any fears with regard to the taxation clause. I remember that while I was giving evidence before Mr. Feetham's Committee in connection with Lord Southborough's Commission I was cross-examined rather at length on the question of the transfer of education from the bureaucracy to the popular control. And among the volleys of questions that were put to me by the President and other members of that committee, they also put a question as to how the country and the people would take the idea of increased taxation which the bettering of education will demand. I am very glad that I promptly replied that looking to the fact that in future education will be a transferred subject and will be in charge of persons responsible to popular electorates, there will be no difficulty in my countrymen consenting to help the Ministers and to help the Government by providing them with funds—at least by giving them facilities for raising funds. I gave examples of certain educational institutions which were appealing for money and getting it specially on that account. That is one of the reasons. If the honourable members would not be led by party spirit but would look into the question calmly I would ask them how they were going to help those tenants who are steeped in ignorance, how they were going to enable the tenants to enter into the present competition which exists even in agricultural life? If the tenants are not given education enough to understand the values of different manures, if they will not understand even the difference between the various kinds of ploughs, does this House think that they would ever be able to compete? We want to help the chief industry of these provinces, and what is the chief industry? Agriculture is the chief industry. How can this industry be best helped? First of all by at least giving the agriculturists some smattering of education. I believe there are many members of district boards here who know how difficult and how impossible it is to carry on, in the present state of the finances, the administration of the district boards. I am a member of the United Provinces Board of Public Health since many years. Year after year we have to allot sums for various objects. One of the items which we give is a lakh of

rupees which is divided among the Commissioners of divisions to be distributed for rural sanitation. During the last many years we have been giving grants to the district boards which are also ready to contribute. I for one, Sir, have always felt greatly pained to see that district boards have not been able to spare anything in order to be able to claim this contribution from the Board of Public Health, with the result that sanitation in rural areas is simply disgraceful. The men in the country, our brethren, our tenants, for whom there is so much enthusiasm displayed, have not the ghost of an idea about even the crude principles of hygiene and sanitation. I am not entering into high phraseology, but I would earnestly ask every honourable member who has shown such great concern for the tenants to tell me whether he has any right to keep his tenants debarred even from a smattering of education, whether it is not his duty to infuse into them even the ordinary and crude principles of preventive medicine and hygiene. In other civilized countries when you come across a boy reading in an ordinary primary school he can tell you exactly what different elements of food he requires to keep up a good body. I was sitting the other day in the Allahabad Convocation and was extremely grieved and pained to see not one healthy face amongst scores of graduates who went there to receive their diplomas. Now, Sir, is that not a national danger? I as a medical man lay great stress on the fact that it is time that we gave some little education to our boys in the villages and make them realize as to how they could protect themselves from the various epidemics. Is it a pleasure to anybody, to any landlord—unfortunately most of the landlords are absentee landlords driving about in commodious cars and enjoying all the luxuries of life in big towns—to see poor tenants dying like flies? How many landlords are there who allow a certain sum year after year for the real benefit of the tenants? Mostly measures which benefit the tenants are financed by our district boards, the district boards which through this measure are going to become realities and responsible to themselves and to nobody else for their management.

I therefore appeal to this honourable House not to be carried away by party spirit, not to be carried away by momentary impulses, but to look to realities, to the general conditions prevailing in the villages, prevailing amongst the masses, and to think if it is not time that these ignorant people should be given some little education, some little comforts by better provision being made for drainage and better communications to develop their trade. I also know, Sir, that for want of funds to improve roads there are many districts where trade is being hampered. I remember that when I was seeking election from my own constituency, Fatehpur (which, I may say, is always misrepresented, as I am the member for Fatehpur and not Mr. Zafar Husain, who represents the Muhammadan electorate of Fatehpur, Cawnpore and Etawah) I gave out to my constituency that if I got elected to the Council I will try and get them improved roads because that was one of the standing grievances amongst the tenants that they could not get their corn easily carted to Bindki, which is a famous bazar, on account of want of communication. I spoke about this first to the members and to the Secretary of the district board. The moment I mentioned this they said that they had no funds. I wanted to bring this matter before the Council, but I knew that the same answer would await me. I quote the following example. I asked for a technical school for Fatehpur. The Hon'ble the Minister for Education

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and Industries very kindly gave me an affirmative answer, but put in a big proviso "funds permitting." To quote a Hindi proverb "*na nau man tel hoga, na Radha nachengi*"—there would be no money and no improvement whatever would be made.

I do not want to take any more time of this House, as probably many members would like to address the House, but I do appeal once more most earnestly both as a hereditary landlord and as a Progressive Liberal:—"For God's sake do not be carried away by momentary impulses or by a party spirit, but do support the amendment which has been proposed by Rai Thakur Mashal Singh Bahadur and happily accepted by the Hon'ble Minister and the Hon'ble the Finance Member."

Babu Shankar Dayal: I rise to support the motion of Mr. Zafar Husain and oppose strongly the motion of Thakur Mashal Singh. Before proceeding further I should like to draw the attention of the honourable members of this Council to the fact that a certain reference has been made to Rule 13 Committee and also that no opposition was made when this Bill was introduced in this Council. Now, Sir, I ask whether any decision arrived at by the Rule 13 Committee is binding upon us. The present tendency seems to me to be—"Speak lies and you will win."

Rai Thakur Mashal Singh Bahadur: I protest against this. I never used the words "speak lies and you will win."

The Hon'ble the President: Will the honourable member proceed?

Babu Shankar Dayal: If, when this Bill was introduced in this Council, no objection was made as to the taxation chapter, why, I ask, was this Bill referred to a Select Committee? If it was referred to the Select Committee, why has this been placed before this Council again? The fact that the Bill was not opposed meant that certain members were in favour that there should be a communal representation and certain members were in favour that there should be further taxation, and so forth. This is why the Bill was not opposed in the beginning. Now that the Bill has been placed before the Council I take full liberty of discussing the taxation chapter. It is not a fact that we have accepted the taxation chapter. The Bill provides for an increase of 7 per cent. in taxes upon the Government revenue. It is a known fact that 75 per cent. of the population of these provinces is agriculturist. Most of them are tenants and petty zamindars; the rest are landlords. These taluqdars are heavily in debt, and I think that we should have every sympathy for them. These taluqdars are called "the Barons of Oudh" by the head of our Government, Sir Harcourt Butler, but I think that their position is not like the Barons of England. If taxation is increased, then it will badly hit the landlords and other agriculturists. Then the agricultural classes will ask to throw aside the Reforms Scheme. They will curse us, the members of this Council. They will say:—"We were in a better position before the Reforms Scheme than we are at present, because under the Reforms Scheme we are being overtaxed."

Then, Sir, I would bring to the notice of the honourable members a note of His Excellency Sir Harcourt Butler who is at present the best statesman of these provinces, and I hope that the honourable members will hear me with rapt attention. He said that the fall of many empires was due to over-assessment, and I further add that the fall of Ravana was

due to over-assessment, namely, when he demanded tax from mendicants. Mendicants in this case are the poor tenants. I submit that the members of this Council will pay attention to the warning that has been given by Sir Harcourt Butler and by myself also. What is the object of this increase in taxes. By going through the Bill I see that the increase is required first of all to increase the number of schools and dispensaries and to improve sanitation. I submit these are but luxuries of life. If the Government were to spend money upon these things, then I will have no objection, or if those gentlemen who have supported the taxation take the whole responsibility upon themselves to pay the entire taxation for the landlords and tenants, then I will have no objection, rather I will thank them on behalf of the landlords and tenants. It might be said that there is deficit in the Government revenue and the Government will not be in a position to meet the cost of district boards. I am very sorry to say that the Government revenue amounts to crores and crores, and I am amazed to remark that in spite of all this vast income the Government is in a position to say that there is a deficit, although it takes loan and at the same time has introduced the system of currency notes. If this is the system of Government, then I have no sympathy with that Government. I can charge the Government with mismanagement. It might be said that the Minister might say that he cannot manage your district boards unless you empower him to raise taxation: I will say,—"Look here, I do not want your management, I do not want your interference in our domestic affairs, and if we are to subscribe for the management of district boards we could better manage ourselves."

I now bring to the notice of the honourable members of this House the condition of the landlords and tenants. After an interval of every 3 or 4 years we get famine. In every famine we see millions and millions of people passing away by starvation. If anybody were to say that I am mistaken, then I would ask the honourable members of this Council to accompany me to every village or to most of the villages and there find out that three-fourths of the population of the village do not get one meal per day and they have to suffer much in winter on account of the want of clothing. Such is the condition. If we will have no sympathy with this class of people, then I would remind the honourable members of this House that the sighs of the poor tenants will rend the seventh heaven and will reach the ears of God, and then I think God will come down upon us. I went into villages and asked the tenants whether they would accept further taxation. They asked me what was the cause for this increase. I told them that they would get good schools and more dispensaries. They replied smilingly:—"We do not want any schools. So far as our daily business is concerned, we have got *patwaris*, who can write letters for us." We do not want any intellectual development. Our intellects are fully developed. We are the descendants of those who spread education in the world." They further remarked that the education that was at present being given had simply killed the martial spirit of the people. As to dispensaries, they said that the Government ought really to pay its attention to physical development. Prior to 1857 people were well developed. Now they are subject to a number of diseases. What the tenants, therefore, want is that the Government should come to the root and see that their bellies are fully satisfied. Diseases affect people only when they are not physically developed. It should be our duty now to pay more

[Babu Shankar Dayal.]

attention to the development of the people than to the improvement in education.

Honourable members of this Council should not take party feuds into consideration. They should devote their entire attention to the cause of the constituency which they represent, and we shall not be justified in giving our consent to an increase in taxation without consulting them. The previous speaker has suggested 13 per cent. for 10 per cent., and it appears that the Government might come to a compromise; but whether they do so or not, there would be a clear betrayal of the constituency which they represent. I, for one, even in the event of being defeated would consider myself victorious. Furthermore, I think Sir Harcourt Butler did not do well in appointing certain Indians to the highest posts. If the present Bill had come from a European official, I could pardon him; but coming as it does from an Indian, who is well aware with the ins and outs of the people, I cannot pardon him. I hope, therefore, honourable members will think twice before giving their consent to any measure for further taxation.

Mr. Fazl-ur-Rahman: I rise to support the motion which is proposed by my honourable friend Mr. Zafar Husain. Before I proceed further I think it is incumbent on me to tell the Council in unambiguous terms at the very outset that I am not opposed to the introduction of new and reformed methods of Government into this country. India is my home. I love it sincerely and I always rejoice at its decoration and progress. But in trying to better the condition of the people of this country I am not prepared to reduce them to a state of extreme poverty. We are a poor nation. Thousands of us go to bed without taking food in the night. Hundreds of my countrymen die without even tasting a drop of medicine. Most of my countrymen find it impossible to educate their sons. Thousands of them find it impossible to clothe themselves properly in the cold weather. Famine and epidemics are matters of daily occurrence. I think I am justified in saying that ordinary landlords and tenants are the poorest of the poor. I admit that there are some big landlords who are exceptionally rich, but they are so few as can be counted on the fingers of one hand. I would therefore not take them into consideration. Indian money has much decreased in value. The cost of living has abnormally increased. Government servants have recently been granted a substantial increase in salaries. Vakils have begun to charge higher fees in criminal cases. Traders demand higher prices for their commodities, but the income of an ordinary zamindar is stationary. Expenditure has increased four times of what it was 20 years ago. The income of our zamindars has not much increased. There is therefore no comparison between the income and expenditure of the zamindar. Even an ordinary zamindar has to live decently, because he thinks that he belongs to a respectable class. He dresses decently, he keeps servants, he has a tum-tum and sometimes a motor-car. The condition of our ordinary zamindars is really pitiable. Zamindars and tenants work day and night. They really work very hard. But on account of heavy taxation they are leading a wretched life. In the present Bill an attempt has been made to enhance the burden of these unfortunate people. They are the persons who derive the least benefit from the district boards. They are not traders. They are not merchants. They never bring commodities from one district to another. They seldom use the pakka roads kept by the

district boards. They very seldom derive any benefit from the district board hospitals. Our villagers and illiterate zamindars are to some extent conservative. Take the case of a tenant who is indisposed. As long as he is able to work his plough, he will not go to a hospital. If he is seriously ill, he will find it impossible to go to the hospital. He has no conveyance. So no medicine is used by him. Education among these people is also very bad. Up to this time nothing has been done by the district boards for these people that may be worth the name, and I do not think that even with increased resources the district board will be able to do something which may be really beneficial to these poor people. The district boards have been squandering the 10 per cent. which they have been realizing from zamindars. Nothing useful has been done by them. Money is no doubt spent on pakka roads, but these pakka roads are generally used by sub-divisional magistrates, police officers, motorists and by those who have got conveyances. Not a single pie is spent on kachcha roads. In these circumstances I think there is no moral justification for adding to the burden of these people. India is an agricultural country. By taxing land very heavily you will be destroying the happiness and prosperity of the country which we love so well. An attempt has been made to make the zamindars responsible for realizing all taxes from the tenants on behalf of the Government. The happiness of this country depends to a large extent on the relations which exist between the zamindars and tenants. If this unpalatable task is entrusted to the zamindars, I am confident that the relations between the zamindars and tenants will grow worse. In conclusion I would point out that non-co-operation has not yet subsided. The eka movement still exists. The memory of Rae Bareli affairs is still fresh in our minds. We have had enough of these things. We do not want any agrarian troubles in the near future. Let us sit quiet for some years. Let others come in this Council and decide the question of taxation. We want rest after a long struggle. If you will not give up the attempt of increasing the burden of poor zamindars and tenants, you will be committing a very serious political blunder. In the name of humanity and patriotism I would ask those zamindars who are siding with the Government in this matter and my liberal friends who are also siding with the Government to accept the amendment that has just been proposed by Mr. Zafar Husain. The amendment is a very reasonable one, and it deserves unanimous support. Tenants and zamindars had much confidence in the Liberals. But alas they have adopted today a very hostile attitude. It is a common saying that in trouble friends often become enemies. An Urdu poet has very aptly said :—

Ragban ne ag die jab asianae ko mere
Takiya jin patton pay tha wo he hawa dene lage.

With these few words I support the amendment of my friend Mr. Zafar Husain with all the emphasis at my command.

Rai Kunwar Parmanand Bahadur : I am grateful, Sir, to have an opportunity, which I was anxious to secure, to put certain considerations before the House in connection with the question now under debate. It is necessary and proper to state that it is with partial gratification that I rise to address the House. There is obviously a difference between the figure " 17 " and the figure " 13 " To the extent to which the prayers of the zamindars have been heard they would be grateful, but their whole case

[Rai Kunwar Parmanand Bahadur.]

has yet to be considered. My friend the honourable member for Hardoi was a member of the Select Committee, and I have no doubt that he must have then expressed the views which he has expressed today, and I am entitled in the absence of any information to the contrary to assume that the views that he expressed then were similar to those he has now expressed. These views were not accepted by the majority of the Select Committee. It would be absolutely correct to draw the inference that the reduction which has since been made is the result of the expression of dissatisfaction and resentment by zamindars and others opposed to increased taxation. If the proposal which has today been accepted by the Government were the original proposal in the Bill, and if this proposal had been announced some months before, the situation might or might not have been different. In my opinion, in all probability it would have been very different and the amount of discontent would have been very considerably less. The delay has affected the matter in more than one way and affected it prejudicially.

I stand and plead before the Council as a representative of the zamindars, and I leave it to the representatives of the tenants to protect them. Speaking for the zamindars, the position is this. Many honourable members are aware—some from personal knowledge and others from information received—that the zamindars held two conferences; both these were held in Lucknow, one some months ago and the other quite recently. At the first conference, which was very well attended by the zamindars, the unanimous conclusion come to was that the representatives of the zamindars be instructed to oppose any increase in land tax. This was the mandate. In the second conference, the members had the advantage of hearing the views which have just been expressed by my honourable friend the member for Hardoi. Even in the second conference, notwithstanding that the gentlemen present had both aspects of the case before them, they came to the conclusion that the former resolution should be adhered to. The instructions of most of those whom I represent are that I should oppose any increase in land tax, and this is the unequivocal position that I take up now. I have now explained why it is my incumbent duty to oppose increase in land tax, and it is unnecessary that I should further dilate upon this point. I repeat what I said in the earlier part of the afternoon that we do not object to district boards having the power to levy tax; but this is something very different from our admitting—and no such admission was ever made—that the Government may go on adding to land tax. The undesirable position is that land is already very heavily taxed. I would not tax the patience of the House by reading from the speech of the Hon'ble the Minister for Local Self-Government; it would be enough to refer to his speech made when the Bill was committed to the Select Committee. He then said that the feeling of resentment was very acute among zamindars and that they were protesting against the proposed increase in taxation. We may take it to be a fact, and I have personally absolutely no doubt in my mind that it is a fact, that when the Bill went to the Select Committee there was a considerable amount of opposition to heavy taxation; and it was then strongly felt that the taxation clauses deserved consideration, and the Hon'ble the Minister for Local Self-Government expressed the hope that the Bill when it emerged from the Select Committee would be satisfactory to all. We next come to the

stage when the Bill was before the Select Committee. What consideration did the taxation clauses receive, and with what result? The opinion of the majority was what 10 per cent. of the Government revenue should be increased to 17. This was the considerate treatment which the Bill received and from it the zamindars were left to draw as much comfort as was possible. Was there any comfort to be drawn? The position remained practically as it was. Zamindars considered over the matter and felt that it was necessary that they should put in a protest, and they did so. I submit that in this they were quite justified. I will not again go into minute details as to the condition of zamindars and tenants. I have already in the earlier part of the afternoon shown that the amount of money which comes into the zamindar's pocket is not more than 25 per cent. of the rent collected. If the financial condition of the district boards has only recently become what it is, certainly the zamindars and those who are opposed to this extra taxation on land are not responsible. It has been assumed that the Council, or some members of it, on behalf of those who bear the burden of taxation, can come to terms. In my opinion there is no coming to terms at all so far as the representatives are concerned. Their plain duty is to put forward the case consistently with instructions received.

Proceeding further, we find that the powers of the board are being considerably increased. As a progressive measure the District Boards Act would appear to be very full and liberal; but what about the expenses? Where is all the money to come from? I ask this question in reference to the statement that the taxation clauses are permissive. He will be a bold man who, after what has been said in the Council in connection with this Bill, would get up and say that for some considerable time to come the maximum will never be reached. I need not be a prophet to make the statement which I do without fear of contradiction that very soon the maximum will become the minimum and that the entire increase in taxation will be levied upon the zamindar and that the permissive phraseology employed in the Act would be of no avail at all. The question which the Council has now to consider is whether a rise from 10 to 13 per cent. on Government revenue, on the assumption that the Government is committed to the 13 per cent., is reasonable, equitable or proper. This question has to be considered dispassionately, without prejudice and outside party politics, and a conclusion arrived at, bearing in mind that in addition the zamindar has to pay his share of the tax on circumstances and property. If a tax-payer is not to express his opinion whether he can bear the tax, and if his opinion is completely disregarded, the situation becomes rather peculiar.

The present Bill has extended the jurisdiction of district boards to notified and town areas. Certain classes of taxes have to be paid by the residents of those areas, and we do not know what more taxes may not become necessary. Under the present circumstance it would certainly be not statesmanlike to increase any tax on land. We have proposals for the revision of settlement in several districts of the province. If we take into account the probable result of the new settlement, there would be an increase in revenue. The amount of cess would increase with increasing revenue. In about four years the amount of cess even without any increase of rate in land tax would be much larger than the amount which is now realized. Government appointed a committee to consider the revenue settlement question, and the deliberations of that committee are not yet

[Rai Kunwar Parmanand Bahadur.]

complete. Its report has not yet been published and Government has not yet expressed its opinion upon it. The position of the zamindar a few years hence may be very different from what it is now. Let us hope that he will then be much better fitted to bear the burdens which is now proposed to be levied upon him and that he may then have less reason to resent any increase. He has certainly greater justification now to oppose increase than he would have if his condition improved in the directions indicated. For these and such like other reasons I strongly put the case of the zamindars before the Council and beseech the Council not to tax land any more than it has hitherto been done, viz., the cess should continue to be levied at 10 per cent. on the Government revenue or 5 per cent. on the value of the property. For the present it should be sufficient to have an additional tax on circumstances and property. We do not know how much this latter tax would yield. Those who require money naturally look at the matter from a point of view different from that from which we look at it. The feeling in the Finance department probably would be it is not likely to yield more than the figure indicated. But we do not know, and until we have some experience as to how much we can get from the tax on circumstances and property it would be unsafe to increase the land tax which is already excessively heavy. I, therefore, support the amendment of Mr. Zafar Husain and oppose the amendment moved by Rai Thakur Mashal Singh Bahadur.

Pandit Hirday Nath Kunzru: Till a few years ago complaints that local self-government had remained stationary since the days of Lord Ripon formed the commonplaces of all political discussion. Happily the Municipalities Act which was passed in 1916 changed the position and advanced municipal self-government a great deal. But so far as district boards are concerned they are still in official leading strings, and for all practical purposes it may be said that they are not self-governing bodies at all. This Bill, if passed, will remove that reproach and give to rural bodies also the powers which are now possessed by urban self-governing bodies. Our complaints in the past have been that the franchise was a limited one, that a much too large proportion of the members of the boards was nominated, that the chairmen were all officials and that the budgets were subjected to minute official scrutiny. If this Bill is passed all these complaints will be removed. The franchise will be a wide one, the boards will be almost wholly elected . . .

Lieutenant Shaikh Shahid Husain: I am sorry to interrupt on a point of order, Sir. We are not discussing the general principles of the Bill. We are only discussing the taxation clauses.

Pandit Hirday Nath Kunzru: The chairmen will be elected and the boards will have the power to pass their budgets. It stands to reason, when we ask that full powers in these respects should be conceded to us, that these rural bodies should be willing to shoulder a portion of their future expenditure.

We cannot have executive independence without financial independence. To expect the Local Government to supply the money needed for all future requirements and to call the district boards self-governing bodies would be a misnomer. In that case there is no reason why they should not be administered as a department of the Local Government,

The complaint in regard to the poverty of the resources of these bodies and the inelasticity of their sources of revenue have attracted the attention of all people who have ever devoted any time to the consideration of the questions connected with rural self-government. I remember Mr. Gokhale, whose comprehensive mind took in all subjects bearing on the material and moral welfare of the people, moved a resolution in the Imperial Legislative Council in 1911 or 1912 asking Government to appoint a committee to consider the financial position of the district boards and stated as his own opinion that without an addition to the cess it would be difficult to place them on a financially sound basis. And four years ago when our Government appointed that ill-fated committee whose report has been blessed and cursed times out of number during the last few days, it too was confronted with the difficult question of increasing the resources of the district boards. Three out of the four zamindar members of the committee came to the conclusion that it was necessary to impose an additional tax on land if the boards were to have sufficient funds at their disposal for carrying on rural administration. They suggested that the maximum land cess should be raised from 10 to 20 per cent that there should be an additional tenants' cess not exceeding 6¼ per cent. and that there should be a tax on circumstances and property not exceeding a maximum of four pies in the rupee. So that non-official opinion whether coming from landlords or non-landlords is almost unanimous in holding that land alone can provide substantial sums for the future development of rural areas. Far be it from me to say that land alone should be taxed. The burden of taxation should be equally distributed. It is only right that when landlords are being taxed others also should bear their fair share of the burden which local self-government involves. This Bill provides for that by laying down that all non-agricultural incomes above a certain limit shall be taxed.

The next question that remains to be considered is as to what is the limit of fresh taxation which is inevitably to be imposed if local bodies are to be solvent ? My honourable friend the Finance Member speaking earlier in the day pointed out that while some time ago the deficit of the district boards amounted to about 14 lakhs, today it was at present nearer 20 lakhs than 14 lakhs and that so long as these local bodies were not enabled to meet this deficit themselves it would have to be met by contributions from the provincial revenues. An honourable gentleman this morning said a great deal about the bloated expenditure of the Local Government and one honourable member specifically referred to the large increases made in the pay of the Indian Civil Service. I hope, holding as he does these views, that he and we will join in pressing upon the Government the urgent need for economy when the budget is considered next March, but he will pardon me if I say that economies in the Provincial administration do not seem to me to affect the finances of the district boards. We last year expected a deficit of 30 lakhs. I am afraid that when the next budget is presented that deficit will amount to about 80 lakhs and if we have to find money for local bodies it will amount up to a crore. Let us assume for a moment that we have today a small surplus instead of a heavy deficit. Will it be right that the Local Government should be called upon to meet the entire expenditure connected with future improvements in rural areas ? It should always make substantial grants to these local bodies, for it is impossible for them with their own unaided resources to meet the urgent calls made on their purse. But the Local Government can help them only

[Pandit Hirday Nath Kunzru.]

if they meet a portion of the expenditure themselves. Well, thus it is obvious that even if we had a surplus at our disposal the local boards would still have to be placed on a sound basis financially. And how is this deficit of 20 lakhs to be made up ? The committee of 1918 to which I referred a little while ago suggested a total increase in the cess on land of 16¼ per cent. My honourable friend, the Minister of Local Self-Government, has accepted the figure of 3 per cent. Surely there is no desire here to impose an excessive burden on land, and, as the tax on circumstances and property is to be maintained, it is obvious that Government does not wish that the entire burden should fall wholly on one class.

Now it is expected that the tax on circumstances and property will bring in something between six and seven lakhs. The tax is an uncertain one. It has never been imposed hitherto. The material for a proper estimate of its yield is lacking. We are, therefore, entirely in the region of conjectures when we say that it will yield about seven lakhs. We have still to find about 14 lakhs, and to enable the district boards to have something more in order to affect improvements in future. Roughly about 20 lakhs more has to be found for this purpose. Well the present tax of 10 per cent. yields 70 lakhs, i.e., for every addition of one per cent. to the cess we get about 7 lakhs, so that if the cess is increased from 10 to 13 per cent. we shall have about 21 lakhs more, and the total yield of the cess and the tax on circumstances and property will amount to about 28 lakhs. After meeting the deficit the boards will have at their disposal 7 lakhs, or less than 15,000 apiece Is that a large sum really to be placed at the disposal of the boards considering the large schemes for the moral and material improvement of the villagers which are urgently calling for attention and which the boards must soon take in hand if they are to fulfil their duties ? Rai Kunwar Parmanand Bahadur speaking a little while ago remarked that as the yield of the tax on circumstances and property was an uncertain one no additional cess on land should be imposed. He has forgotten two things in this connection. The first is that no tax is being imposed. Only the power to impose taxes is being given to district boards. The real extent to which the power is to be exercised would depend entirely on them. It is not the Local Government which will determine what the new tax ought to be, but the local bodies themselves, whose members will in future be elected by the landlords and the tenants whose interest it will be equally to see that the burden on land is not increased excessively. In the second place the amendment which was moved this morning by Thakur Jagannath Bakhsh Singh provides that the land cess shall be increased only after the tax on circumstances and property has been in force, which means that there is no desire on the part of anyone in this Council that an experiment should be made by increasing the land cess. Of course it would be impossible to wait till the district boards have had time according to their own convenience to consider what the actual yield of the tax on circumstances and property is to be, but it is sufficiently well known that this tax by itself cannot meet the entire deficit of 20 lakhs and enable the district boards to have something at hand in order to affect improvements in future. The representatives of rural areas and of zamindars in the past have themselves come forward in this Council to suggest measures

for the spread of education, for improvement in sanitation, for the development of agriculture. How are these improvements to be taken in hand if the boards are not enabled to add to their resources? The subject of communications too has been considered more than once in this Council, and, in spite of what one honourable member said, I maintain that it is a matter of great importance to the agriculturists themselves, who want to take their produce to places where it can be sold at the highest price.

One word more, Sir, and I have done. Rai Kunwar Parmanand Bahadur remarked or rather complained, that the entire tax would have to be borne by landlords. He has no faith in the division which this Bill makes in the burden which will have to be borne by the landlords and tenants.

Rai Kunwar Parmanand Bahadur: The honourable member for Muzaffarnagar has not followed my argument. I did not say this. What I said was that even in the tax on circumstances and property the zamindars will have to take a share. I did not say that the entire burden would be on them. I tried to convince the Council that the maximum . . .

The Hon'ble the President: That is sufficient as an explanation.

Pandit Hirday Nath Kunzru: I am glad, Sir, to be corrected. I am glad to learn that the honourable member did not say that the entire increase in the land cess would fall on the landlords. That at any rate disposes of all complaints made on the ground that the landlords alone would have to bear the whole of the new increase.

It is difficult for us to ask for full rights of local self-government without at the same time bearing the burden, the financial burden of the administration which alone can enable us to ask for further rights. Those who control the purse can alone ask that they and they only shall be responsible for the administrative machinery. I believe it was a recognition of this fact that made many honourable members who represent zamindars welcome the Bill, even so far as the provisions relating to taxation were concerned, in Council, when it was referred to a Select Committee in December last, and I am sure my honourable friend, Thakur Jagannath Bakhsh Singh himself was one of those who believed that with the issue of the correction slip all the misgivings of the zamindars on the subject of taxation had been set at rest. Well, I hope that those of the zamindar members who took part in the discussions of the Select Committee will stand by their acceptance of the principle which they expressed then. The fact that one of the zamindars himself has proposed an addition of 3 per cent. to the taxation affords ample justification for my hope. I regard this Bill as placing self-government on a sure foundation, I regard it as the charter of rural self-government, and as such I support very cordially the proposal of my honourable friend, Rai Bahadur Thakur Mashal Singh that the cess be raised from 10 to 13 per cent.

Lieutenant Kunwar Jamshed Ali Khan: Clause No. 110 of the Bill is the moot-point which has magnetically drawn the very serious attention of the House The intensity of its importance in the Bill, the good or bad effect of its predominating issues in the province and its position of

[Lieutenant Kunwar Jamshed Ali Khan.]

to be or not to be in the Council Chamber persuade me to reveal my humble and definite views on it before the House.

Sir, I positively acknowledge that society requires material improvements; the more the human needs increase, the more the material advancement is achieved. But I am not ready to accept for a moment, Sir, that this material advancement (paraphernalia) of human life does good when the society is badly suffering from poverty and the lack of means. I assure the House that if material advancement does not coincide being low or high with the standard of the then life of the society that very improvement is not only kicked out but also becomes a typical source of provocation to national sentiments. The Revolution of 1833 in England testifies to the soundness of my argument.

I frankly say, Sir, that the question of taxation, seeing the present agrarian calamities of the United Provinces, is pitch dark from the economical and political points of view. Economy is the order of the day. I simply wonder to see that retrenchment is advised there where of course huge coffers if properly be used can save the situation and the imposition of a new tax is forced upon that miserable quarter where people actually starve to death.

No doubt one enjoying the paradisical life can little think of the terrible plight of those who are in hell. But may I ask Sir, my friends opposite if their mentality ever depicted before their so-called broad vision the horrible picture of village life, if ever a haggard face with heavy heart and swimming eyes, the regular victim of famine and drought has appealed to their democratic sentiments. Have they thought for a moment, Sir, that an extra taxation on the poor folk would tax their very existence, that life is a burden to them.

Sir, it will be impolitic at this time of political upheavals to tax the land heavily. Discontent on account of high taxation is always of a serious nature. History would give many examples where heavy taxation has been the near or remote cause of political revolutions:—

محرومان قسمت کا تو مرجانا هي بهتر هی
که اُن کا داغ هستي داغ هی دنیا کے دامن پر

These are the points which I put before the House; but there is one, ambiguity which I feel about the position of the honourable friends favouring taxation. Sir, this inconsistency on the part of our hall-marked politicians is simply funny. Till yesterday they were fast pro-tenants but the involving of their personalities gave them a dramatic change, and lo! they are bitter anti-tenants today. I feel sorry for those unfortunate constituencies whose confidence has so been betrayed.

من از بیگان گان هرگز نه نالم
که بامن اُنچه کرد آن آشنا کرد

Mr. K. P. Singh: In the beginning there was a considerable misrepresentation as regards the fact that zamindars and landlords in a body are opposed to the principle of taxation. When we were not opposed to the principle of taxation we embraced it in the cause which is sacred to all these who have got the love of the country at heart, that is the spread of education, sanitary improvement, etc. The real and crucial question is whether the money will be raised only from the land and from

no other sources; that is the real point. I am grateful to the Hon'ble the Minister for Local Self-Government that he helped in all possible ways in eliciting information on the point. I speak, Sir, on the information received from reliable sources that no endeavour has ever been made to find out if the present income of the district boards can be increased or if there are other sources from which income can be derived. No endeavour has been made. This is my grievance. That is the grievance of the landlords not for their own personal sake but for the sake of the tenants whom they are going to represent. I will place before this House facts and figures of the District Boards which were in existence in the years 1918, 1919, 1920 and 1921, and ask them to ponder over them in order to find out the income and expenditure. The present administration is very expensive, and in support of my argument I would quote Mr. David Barbour who says that the officers are all at the head of spending departments, and there is a constant demand for more and more expenditure. In 1918 and 1919 the income of the District Boards was one crore sixty-four thousand, and the expenditure was one crore forty thousand, that is to say the income was in excess of the expenditure. In 1920 and 1921 the surplus was seventeen thousand, and the opening balance stood at fifty-seven lakhs of rupees, so that there was an excess of income over expenditure by twenty-two lakhs of rupees excluding opening balance. Now it is said that there is a deficit of twenty lakhs of rupees. My submission is that before land is taxed there are other resources of the district board which should be tapped first. The rental in England was four pounds to twenty pounds in every hundred pounds, whereas in India it was 80 to 90 per cent. In England the profit on rental; is 36 per cent. In India the tenants are living in perpetual debt, and the revenue is so uncertain that it absorbs almost all their rental. We have accepted the principle of taxation; but there are many other ways in which you can raise that taxation. According to the Census report of 1911, there were one lakh thirty thousand villages, besides towns in the United Provinces and Oudh, and if you take four carts in a village as an average, the tax on wheels and vehicles would at least come to ten lakhs of rupees, at a rate of a rupee per cent. Then, there are the ferries and tolls. They are profitable sources of income to the district board, and if the rates are a little increased, they will add considerably to the exchequer of the district board, say roughly more than six lakhs. Then the licensing of markets will bring a considerable sum. I have mentioned these sources simply to show that there is no need for taxing land in this way. A good deal has been said about the benefit to the tenant resulting from this Bill, but in this connection I should like to read a report of Mr. Moir. This gentleman says that tenants cannot take advantage of primary education on account of their poverty. Their children supplement their work. They have no means to educate their children. They are living in a condition in which they cannot devote attention to education because they are starving. If you go to them and ask them to read a book, they would cast aside the book and ask for some food. My friend from Farrukhabad talked of lakhs of rupees being spent in the Sanitation department, so that epidemics and other diseases may not occur. I may inform the Council that last year when cholera broke out, I went from door to door administering medicines at personal risk whereas the nearest dispensary showed little activity and sympathy for the miserable people.

[Mr. K. P. Singh.]

The Hon'ble Pandit Jagat Narayan: I would request the Hon'ble the President to put the motion to the vote, as it has been discussed at great length already.

Voices of "No, no."

The Hon'ble the President: I cannot understand the reason for opposition to the closure. The arguments have been repeated over and over again in the course of this discussion, and I am very loth to continue the debate late into the night. At present we have only reached one of the percentages which have been proposed for substitution. Is each percentage going to be debated at the length to which we have debated this one, and up to what period does the Council wish to sit to-night? The position seems, to me unreasonable. I do not like to accept the motion for closure, but I hope that honourable members will confine their further remarks very closely to the point.

Pandit Gokaran Nath Misra: There are one or two points which I should like to bring to the notice of this House. Much has been said with regard to the question as to the attitude of the liberals with regard to the tenants. As a member of the liberal party I fully realize my position; the people outside also realize the position, and I would only like to put one point of view before the honourable members of this House. The zamindar party say that we are acting to the detriment of the interest of the tenants by accepting the measure of taxation. I have only to put before this House that, if the principle is acceded to that in order to carry on the better administration of the district boards and in order to make them self-governing, it is necessary that some power of taxation has to be given to them, it is but fair and proper that a portion of that burden should also be thrown upon the tenants. May I now ask the honourable members of this House, who are very solicitous for the welfare of the tenants: are they willing to take this entire burden of taxation upon themselves and that those poor tenants whose miseries have been so graphically depicted in this House be spared? I know what is running in their minds; they want that there should be no taxation at all and it is only a means of putting the thing before the Council in order to injure the interest of those who have been continually fighting on behalf of the tenants. If the taxation is to be allowed and if the taxation clauses are to be passed, a certain proportion ought to be paid by the landlord and a certain proportion by the tenant. I would only remind the honourable members of this House that even on the question of the proportion to be paid by the tenants there was a difference between the landlords and others. The landlords claimed that a greater burden should be thrown upon the tenants than that originally proposed. I only ask them what became of their attitude at that time. It seems to me incomprehensible that the members of the liberal party should be accused of injuring the interest of the tenants. In order to see that the district boards are put on a self-governing basis, for the introduction of primary education and in order that the condition of the tenants may be improved . . .

Thakur Jagannath Bakhsh Singh: May I ask if this is in compliance with your ruling.

The Honourable the President: Yes. I think the honourable member has only spoken five minutes.

Pandit Gokaran Nath Misra: . . . this measure of taxation has been introduced.

I have been through my constituency and I have consulted the tenants and have put the matter before them.

Cries of:—"No, no."

Pandit Gokaran Nath Misra: How are my friends, who say 'no', able to know, when I know the views of my constituency. It is I who represent them and I can say what their views are. Of course, I know that the zamindars are against taxation; but the tenants fully realize what the situation is. I therefore think that bringing in the tenants and on that ground urging for the total deletion of these taxation clauses, is not a sound argument. Let us deal with this clause upon its merits, and as many speeches for and against have been delivered on the subject I would not go in to repeat those arguments, I think the honourable members of this House themselves will come to a decision on that point.

Thakur Jagannath Bakhsh Singh: Before I speak on the amendment may I request your ruling as to what will be the fate of those amendments which are down in the agenda paper and which are of lesser amount than what is just before us.

The Honourable the President: I do not know what the fate of this amendment will be. If this amendment is defeated, then all the amendments will be put in turn one by one, until we find some formula which will be acceptable. If this amendment is accepted, then none of the other amendments can be moved.

Thakur Jagannath Bakhsh Singh: It is really an irony of fate that I have to oppose the amendment of the honourable member from Hardoi who a few minutes before supported my amendment, but I regret very much that it cannot be avoided. I have got an amendment similar to the amendment of the honourable member from Fatehpur. It is a little different in form but that difference is not very important and so I would rather forego my amendment and support the amendment moved by my friend Mr. Zafar Husain. The point has been repeatedly made clear in this House that those who oppose taxation at the present time do not say that they oppose it for ever. It has been also made clear repeatedly that it is the present time which, we think at least, is not suitable for any addition to the local rate. I am afraid much time has been spent over this debate and in compliance with your ruling I must be as brief as possible.

The Honourable the Minister for Local Self-Government while presentting the Bill for the consideration of this House the other day made out hree arguments in support of taxation and those were, if I rightly remember, 14 lakhs deficit which is now estimated to between 17 and 20 lakhs, expansion of Primary Education and Election expenditure. For the first point, I mean the deficit, I would only remind the House, as already mentioned by the honourable member for Muzaffarnagar, that there was a deficit of 30 lakhs in the provincial budget last year. The Government brought a measure to meet that deficit—the Court Fees Bill,

[Thakur Jagannath Bakhsh Singh.]

What was the fate of that measure? Considering the deficit did the House agree to accept the measure? Forcible speeches were made by the Honourable the Finance Member and the Honourable Minister for Education. The latter was described as having made the best speech up to that time made in this Council. The repeated arguments, the forcible arguments, the persuasive reasons of the Honourable the Minister for Education did not affect the members of this House. They jointly opposed the measure regardless of the deficit that existed in the provincial budget which was to be met. It was said that this deficit should not be met by any additional burden of taxation unless we were sure that sufficient retrenchment has been made in the provincial expenditure. May I ask one question from those gentlemen who are supporting taxation? Are they quite sure that there is no room for retrenchment in the district board budget? Are my friends aware that the district boards have got surplus grants from the provincial Government for building purposes and that they failed to spend those grants? If I have not rightly mentioned the fact, I am open to correction by the Hon'ble Secretary to Government, that such building grants have lapsed from time to time in several boards. Then are those buildings in those hamlets, where the people live in huts, necessary? Is it necessary to have such magnificent buildings, such ventilated and nice buildings for those boys who read in them for five hours and spend the rest of the day at their homes which are in different conditions.

Another honourable member very close to me made a reference to the fact that in a certain district an opening is required to take their produce to the nearest market to get a good profit. May I ask the members of this House if it is the high prices that are required for the agriculturists or is it an increase in their production? A zamindar has been paying the district board 10 per cent. for the last several years. What benefit to agriculturists has this taxation brought in the shape of increased production? Are honourable members aware that the average produce of the country has been on the same level, or almost near the same level, since all other progress has taken place in the rural areas? What result have we seen in the taxes that we have given till now: high prices are simply a moonshine of a few hours. Wheat was selling very high in June. The Government of India issued an order placing an embargo on wheat. I am one of those who had calculated on getting a good sum from the sale of wheat, but it is not selling at even 8 seers for a rupee. Last year I was the same person who sold wheat at five seers. This year I tried my best and cultivated and produced wheat on my farm in the hope of making good profit. But the prices fell. The result has been that my wheat is blocked. Is it high prices that will benefit the agriculturists or increase in the produce? I wish the speakers who come after me would refer to this point.

Regarding the expansion of primary education, that surely is not a very pressing demand of the country at the present moment. The masses in the condition that they are in at present do not require very much expansion of primary education. I do not say that expansion should be denied to them; but what would best improve their condition is to increase their produce. Then, Sir, election expenditure is a very insignificant item considering the whole expenditure of the district board

and that can be met very well by any other tax; for instance, tax on circumstances and property.

Now, Sir, I have been speaking on one of my two points, viz., that the tax is not very necessary. Now my second point is that it is untimely. That this is not the proper time for making any addition to the tax is based on several other arguments; but to be brief I will select a few points only. In spite of the high limit of the tax on land in this country at the present moment two questions are of real interest to the zamindars and tenants alike. The zamindar is much interested in the discussion of the Settlement Committee that has been working for some months. At the same time the tenant in the province of Oudh is no little interested in the fixing of rent-rates. It is admitted on all hands that the rental value of the land has increased in great proportion. At present, if I mistake not, the fixing of rents has been postponed from three to five years. Suppose during that time in a district on which the tax has been imposed the rental value has increased and consequently in the settlement the assessment would be higher. Government revenue would also increase. What proportion will the tax imposed by the district boards at the present time or in the near future bear to the total of the Government revenue? Suppose a district board wants Rs. 10,000; it may get Rs. 30,000 in these circumstances. Will it then reduce the tax? What would be the result of that?

Then again, Sir, it has been said that the tax is optional.

Pandit Gokaran Nath Misra: What about the time-limit, Sir?

Thakur Jagannath Bakhsh Singh: I would stop my argument if my time is over. I hope, Sir, you will please allow me to make a personal explanation about one point made by the honourable member for Muzaffarnagar.

The Hon'ble the President: A personal explanation should be made except immediately after the statement to which it refers is made.

Thakur Jagannath Bakhsh Singh: Can I add it to the speech, Sir?

The Hon'ble the President: Yes, the honourable member can do so.

Thakur Jagannath Bakhsh Singh: It is about the correction slip to which I agreed when the District Boards Bill was introduced. I would ask a question from the honourable member as to what the correction slip he refers to was; but I cannot proceed to do so without divulging the secrets of the proceedings of the Select Committee which were strictly confidential. However, I think I can very well say that the correction slip embodied in the Bill is not the correction slip referred to in my speech.

With these remarks considering the shortness of time at my disposal I conclude my speech and support the amendment of Mr. Zafar Husain and oppose strongly the amendment of the honourable member from Hardoi.

Rai Sita Ram Sahib: As I am speaking under the spell of the eloquence of my honourable friend Thakur Jagannath Bakhsh Singh who has just sat down, I cannot refrain from expressing publicly a desire, an ardent desire, that his eloquence will be heard in the newly constituted district boards. I am sure that if he delivers a speech half as eloquent

[Rai Sita Ram Sahib.]

to the newly constituted district boards he will have no difficulty whatever in convincing his colleagues there that they should not increase the burdens either on the tenants or on the landlords. I am afraid speaking here in the Provincial Legislature so late in the day about the District Boards Bill when the Bill has been before the Select Committee, when he himself was a member of the Select Committee, comes rather with an ill grace. I can assure the House that I happen to be one of the hereditary zamindars in the Meerut district and I hope my honourable friend Rai Bahadur Kunwar Parmanand will bear me out that I am a zamindar, because I voted for him. According to the settlement of 1900 I happen to be paying at the present moment a revenue of about Rs. 10,000.

The Council will excuse this reference to my personal affairs. I have to refer to it, because I shall be personally affected by the new taxation and because the honourable representative for the zamindars considers that his constituency as a whole had given him a mandate to oppose the taxation clauses of this Bill. I for one stand here to say that he has no such mandate. I make bold to say that I am one of those zamindars.

Rai Kunwar Parmanand Bahadur: On a point of order, Sir, I referred to the mandate of the two conferences held at Lucknow.

Rai Sita Ram Sahib: I am afraid, Sir, the conferences that were held at Lucknow were in the first place not attended by many of the zamindars of the constituency which he represents and in the second place they were attended by many people who had not the honour of belonging to the landlord class. Well, Sir, in spite of the denials that come from certain quarters of the house I make bold to repeat that the second conference held at Lucknow at least was attended by many people who cannot say that they have an inch of land either in the province of Agra or in the province of Oudh. So the mandate theory of such a conference perhaps will not hold water. Even if it is a question of mandate, Sir, if I mistake not that conference also gave a mandate to zamindars to take to *charkha* and *khaddar*. I wonder how many of the zamindars here or the zamindars who attended that conference have taken to spinning yarns inside their homes.

Sir, as I heard the arguments of several of my friends here I was reminded of the soliloquy of Lancelot Gobbo in the "Merchant of Venice" and I remember him saying :—"'Budge' says the fiend. 'Budge not' says my conscience."

So far as my pocket is concerned it says "vote with Mr. Zafar Husain on the taxation clause." But when I take into consideration the national interests involved and the interests of the rural areas I cannot but say that the power of taxation which is being given to the district boards is an absolute necessity, and conscience says "vote with Thakur Mashal Singh." May I ask the House with what face, with what heart did they consent to be parties to the passing of clause 92 and clause 93 of the Bill? Clause 92 lays down the compulsory duties of the district boards varying in importance, in character and in extent. How are the district boards going to discharge these duties towards communications, towards sanitation, towards irrigation works, towards education, towards libraries, towards orphanages and a hundred and one other things that

are mentioned under that clause? Is the 10 per cent. that is being given now by the Government sufficient to meet their expenditure? He would be a bold man indeed who would say that in the face of the statement that has been authoritatively made by the Hon'ble the Finance Member that district boards are running under a deficit of twenty lakhs a year. Then the question before the House is how this deficit is to be met and after having met this deficit how is the further expenditure of the district boards to be met? Are the district boards to be in the position of stale mate? Are they to refuse to spread education, are they to refuse to clean their wells, to maintain their communications or look to the cart tracks? Are they to refuse to look after the hospitals and dispensaries? What does the House want them to do? I think the House should seriously consider what the position is. It is not like the electric button being pressed and light appearing instantaneously in this room. It is not like what is said in the Holy Bible that God said, "Let there be light, and there was light." It is not that you give the power of taxation to district boards and they begin to tax at once; it is not like that. It will be entirely within the discretion of the district boards, within their jurisdiction, within their power, to levy this rate or not to levy it. What fear does the House entertain? Does it fear itself? Do the landlords fear their own representatives on the district boards? Do the tenants fear their own representatives in the district boards? I can very well understand their argument if they fear themselves and their own representatives. If they do not, why not then give the boards power of looking after their own resources according to their needs? Has the Council not empowered the municipal boards to tax themselves? I ask the members and chairmen of municipal boards and even the executive officers of municipal boards who are here whether they do not enjoy the power of taxation themselves, whether they do not enjoy the power of levying a house-tax, a water-tax and a wheel-tax, but do they exhaust those powers? Or do they always depend upon the doles and charity of the Government? I say "No". Then why refuse to give a similar power to the district boards? I go a step further and say—Have not the Provincial Councils been given the power to tax themselves? Why should the Imperial Government or why should the British Parliament have given power to the Provincial Councils to tax themselves if they distrusted them? We have been given certain powers. But have we levied all those taxes? Why should, then, we refuse to delegate those powers to the representatives of the people on the district boards?

Sir, a reference was made to retrenchment and to economy. I do not know how far these pleas of retrenchment lie well in the mouths of people who have voted a Council Chamber for Lucknow at a cost of twenty-five lakhs? Do these pleas lie well in the mouths of people who have voted twenty-five lakhs for the Convocation Hall at Lucknow? I would ask them, without meaning any offence, to remember these words of retrenchment and their solicitude for economy when the next budget comes up. I have all along been under the delusion that the landholders are the natural leaders of the people, not that they are politically important, but because, I think, they themselves have laid claim ever and anon to the fact that they are the natural leaders of the people. Is it not then their duty to look after the welfare of their tenantry? I ask my taluqdar and zamindar friends here, when they can afford to give thousands and

[Rai Sita Ram Sahib.]

thousands in charity, when they can afford to spend hundreds over their motor-cars and over other personal luxuries, whether they would grudge only an addition of one per cent. for the sake of their tenantry in the villages.

The Hon'ble Pandit Jagat Narayan: I rise to move that the question be now put.

The Hon'ble the President: I accept the closure.

The original amendment proposed was that in clause 110 (1) for "8½ per cent.", "5 per cent." be substituted. Since then a further amendment has been proposed to the amendment that instead of "5 per cent.", "6¼ per cent." be substituted. The motion before the Council is whether this "6¼ per cent." be substituted for "5 per cent."

The motion was put and the Council divided as below :—

Ayes (62).

Pandit Brijnandan Prasad Misra,
Babu Chhail Bihari Kapur,
Lala Shadi Ram,
Rai Bahadur Raja Ragho Prasad Narayan Singh,
Thakur Rajendra Singh,
Rai Rajeshwar Bali,
Chaudhri Sher Singh,
Rai Jodha Singh B. Negi Bahadur,
Thakur Hanuman Singh,
Rai Sheo Charan Lal Sahib,
Pandit Baijnath Misra,
Mr. Ajodhya Das,
Rai Kishori Lal Sahib,
Khan Sahib Abdul Baqi Khan,
Pandit Nanak Chand,
Khan Bahadur Mr. Muhammad Ismail,
Pandit Govind Sahai Sharma,
Munshi Narayan Prasad Ashthana,
Babu Gur Sahai,
Pandit Iqbal Narayan Gurtu,
Rai Sita Ram Sahib,
Pandit Hirday Nath Kunzru,
Raja Kali Charan Misra,
Thakur Jagannath Bakhsh Singh,
Pandit Gokaran Nath Misra,
Thakur Manak Singh,
Rai Vikramajit Singh Bahadur,
Major D. R. Ranjit Singh,
Rai Anand Swarup Bahadur,
Babu Parmeshwar Dayal Amist,
The Hon'ble Sir Ludovic Porter,
Mr. H. deL. Ross,
Mr. F. F. R. Channer,

Noes (33).

Qazi Muhammad Hashim,
Mr. Shakir Ali,
Rai Kunwar Parmanand Bahadur,
Khan Bahadur Kunwar Inayat Ali Khan,
Rai Man Singh Bahadur,
Mr. Fazl-ur-Rahman Khan,
Khan Sahib Hakim Nawab Ali Khan,
Lt. Kunwar Jamshed Ali Khan,
Mr. Zafar Husain,
Thakur Nawab Ali Khan,
Rao Sheo Dhyan Singh Sahib,
Mirza Muhammad Sajjad Ali Khan,
Raja Raghuraj Singh,
Mr. K. P. Singh,
Rai Bahadur Kunwar Dillipat Shah,
Khan Bahadur Shaikh Saiyid Muhammad,
Munshi Muhammad Zahur-ud-din Khan,
Khan Bahadur Shaikh Muhammad Yusuf,
Munshi Ata-at-Mand Khan Mujibee,
Chaudhri Sardar Singh,
Saiyid Janab Ahmad,
Lt. Shaikh Shahid Husain,
Khan Bahadur Shah Badre Alam,
Saiyid Al-i-Nabi,
Babu Shankar Dayal,
Raja Muhammad Ejaz Rasul Khan,
Mr. Jafer Hosain,
Raja Shambhu Dayal,
Pandit Balbhadra Prasad Tiwari,

Kunwar Jagdish Prasad,
Lt.-Col. A. W. R Cochrane,
Mr. C. M. King,
Mr. S. H. Fremantle,
Mr. G. B. Lambert,
Mr. L. S. White,
Mr. A. W. Pim,
The Hon'ble Pandit Jagat Narayan,
The Hon'ble Mr C. Y. Chintamani,
Mr. A. H. Mackenzie.
Mr. R. Burn,
Mr. A. B. Reid,
Mr. G. B. F. Muir,
Mr. H. M. Leake,
Mr. A. C. Verrières,
Mr. H. S. Crosthwaite,
Mr. F. F. Sladen,
Pandit Soti Vishnu Swarup,
Chaudhri Mukhtar Singh,
Rai Indra Narayan,
Sardar Birpal Singh,
Lt. Raja Hukm Tej Pratab Singh,
Major Kunwar Shamsher Bahadur Singh,
Rai Thakur Mashal Singh Bahadur,
Thakur Parsidh Narayan Singh,
Nawabzada Muhammad Yusuf,
Raja Indrajit Pratab Bahadur Sahi,
Mahant Parmanand Gir,
Babu Gendan Lal,
Rai Gopal Das Sharma Sahib.
Raja Shankar Sahai,
Raja Harpal Singh,
Raja Sir Saiyid Abu Jafar,
Lt. Nawab Muhammad Ahmad Sa'id Khan.

The amendment was therefore adopted.

The Hon'ble the President: The motion now before the Council is that for "8½ per cent." in the last line of clause 110(1) "6½ per cent." be substituted.

The motion was put and the Council divided as below :—

Ayes (63).

Pandit Brijnandan Prasad Misra,
Babu Chail Bihari Kapur,
Lala Shadi Ram,
Rai Bahadur Raja Ragho Prasad Narayan Singh,
Thakur Rajendra Singh,
Rai Rajeshwar Bali,
Chaudhri Sher Singh,
Rai Jodh Singh B. Negi Bahadur,
Thakur Hanuman Singh,
Rai Sheo Charan Lal Sahib,
Pandit Baijnath Misra,
Mr. Ajodhya Das,
Rai Kishori Lal Sahib,
Khan Sahib Abdul Baqi Khan,

Noes (33).

Thakur Jagannath Bakhsh Singh,
Qazi Muhammad Hashim,
Mr. Shakir Ali,
Rai Kunwar Parmanand Bahadur,
Khan Bahadur Inayat Ali Khan,
Rai Man Singh Bahadur,
Mr. Fazl-ur-Rahman Khan,
Khan Sahib Hakim Nawab Ali Khan,
Lt. Kunwar Jamshed Ali Khan,
Mr. Zafar Husain,
Thakur Nawab Ali Khan,
Rao Sheo Dhyan Singh Sahib,
Mirza Muhammad Sajjad Ali Khan,
Raja Raghuraj Singh,

Pandit Nanak Chand,
Khan Bahadur Mr. Muhammad Ismail,
Pandit Govind Sahai Sharma,
Munshi Narayan Prasad Ashthana,
Babu Gur Sahai,
Pandit Nanak Chand,
Pandit Iqbal Narayan Gurtu,
Rai Sita Ram Sahib,
Pandit Hirday Nath Kunzru,
Raja Kali Charan Misra,
Pandit Gokaran Nath Misra,
Thakur Manak Singh,
Rai Vikramajit Singh Bahadur,
Major D. R. Ranjit Singh,
Rai Anand Swarup Bahadur,
Babu Parmeshwar Dayal Amist,
The Hon'ble Sir Ludovic Porter,
Mr. H. de L. Ross,
Mr. F. F. R. Channer,
Kunwar Jagdish Prasad,
Lt.-Col. A. W. R. Cochrane,
Mr. C. M. King,
Mr. S H. Fremantle,
Mr. G. B. Lambert,
Mr. L. S. White,
Mr. A. W. Pim,
The Hon'ble Pandit Jagat Narayan,
The Hon'ble Mr. C. Y. Chintamani,
Mr. A. H. Mackenzie,
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Mr A. B. Reid,
Mr G. B. F. Muir,
Mr. H. M Leake,
Mr. A. C. Verrières,
Mr. H. S Crosthwaite,
Mr. F. F. Sladen,
Pandit Soti Vishnu Swarup,
Chaudhri Mukhtar Singh,
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Sardar Birpal Singh,
Lt. Raja Hukm Tej Pratab Singh,
Major Kunwar Shamsher Bahadur Singh,
Rai Thakur Mashal Singh Bahadur,
Thakur Parsidh Narayan Singh,
Nawabzada Muhammad Yusuf,
Raja Indrajit Pratab Bahadur Sahi,
Mahant Parmanand Gir,
Babu Gendan Lal,
Rai Gopal Das Sharma Sahib.
Mr. K. P. Singh,
Rai Bahadur Kunwar Dillipat Shah,
Khan Bahadur Shaikh Saiyid Muhammad,
Munshi Muhammad Zahur-ud-din Khan,
Khan Bahadur Shaikh Muhammad Yusuf,
Munshi Ata-at-Mand Khan Mujibee,
Chaudhri Sardar Singh,
Saiyid Janab Ahmad,
Lt. Shaikh Shahid Husain,
Khan Bahadur Shah Badre Alam,
Saiyid Al-i-Nabi,
Babu Shankar Dayal,
Raja Muhammad Ejaz Rasul Khan,
Mr. Jafer Hosain,
Raja Shambhu Dayal,
Pandit Balbhadra Prasad Tiwari,
Raja Shankar Sahai,
Raja Harpal Singh,
Raja Sir Saiyid Abu Jafar,
Lt. Nawab Muhammad Ahmad Sa'id Khan.

The amendment was therefore adopted.

The Council was then adjourned to Monday, the 13th November, 1922.



PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

UNITED PROVINCES

MONDAY, 13th NOVEMBER, 1922.

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Mr. Muhammad Afzal,
Rai Kunwar Parmanand Bahadur,
Raja Ragho Prasad Narayan Singh, Rai Bahadur,
Raja Amarpal Singh,
Thakur Nawab Ali Khan,
Thakur Jagannath Bakhsh Singh,
Rai Vikramajit Singh Bahadur,
Pandit Iqbal Narayan Gurtu.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Embezzlement in the administration of Government gardens.

* 8. **Pandit Brijnandan Prasad Misra**: (*a*) Will the Government inform the Council if there have been complaints or suspicions of embezzlement in respect of the administration of the Government gardens?

If so—

(i) Will the Government inform the Council in respect of which of the Government gardens is embezzlement suspected or complained of?

(ii) What steps have been taken by the Government to punish those who have misappropriated Government money?

The Hon'ble Mr. C. Y. Chintamani: Yes; certain financial irregularities were brought to light at the Botanical Gardens, Saharanpur, and the officials concerned have already been departmentally punished. The question of taking any further action against them will be considered when inquiries which are still in progress have been completed.

Babu Chhail Bihari Kapur: May I know the names of officers involved and what was the punishment awarded to them?

The Hon'ble Mr. C. Y. Chintamani: If the honourable member will repeat his inquiry, I will let him know privately. I do not think it is necessary to publish either the names of officers concerned or the nature of the punishment inflicted on them.

Pandit Brijnandan Prasad Misra: Why were the officers departmentally punished before the completion of the inquiry which is still going on?

The Hon'ble Mr. C. Y. Chintamani: So far as information is available, one case was clear that some punishment should be imposed and punishment was imposed accordingly.

Pandit Brijnandan Prasad Misra: Is it a fact that departmental action against these persons has been taken for the purpose of averting their prosecution?

The Hon'ble Mr. C. Y. Chintamani: No. There was an intention of prosecution, but the evidence was not complete to justify prosecution.

Training of Indians as garden superintendents.

*9. **Pandit Brijnandan Prasad Misra**: What practical steps have so far been taken by Government to train Indians for garden superintendents and overseerships?

The Hon'ble Mr. C. Y. Chintamani: There used to be a class for the training of Indians as overseer gardeners, but this was recently closed, as its working was not satisfactory. A scheme for the opening of a class for the training of Indians both as superintendents and overseers is, as announced in Agriculture department resolution No. 206, dated the 11th March, 1922, under preparation.

Pandit Brijnandan Prasad Misra: Will the Hon'ble Minister for Education kindly let me know how long it remained in existence?

The Hon'ble Mr. C. Y. Chintamani: I require notice.

Pandit Brijnandan Prasad Misra: How many overseers were returned from this class and how many are in service?

The Hon'ble Mr. C. Y. Chintamani: I require notice.

Inspectors of cattle-breeding.

*10. **Pandit Brijnandan Prasad Misra**: Will the Government state the number of the Hindu and Musalman cattle-breeding inspectors in the Agricultural department?

The Hon'ble Mr. C. Y. Chintamani: Four, three of whom are Muhammadans and one a Hindu.

Pandit Brijnandan Prasad Misra: Will the Government give the name of the Hindu inspector?

The Hon'ble Mr. C. Y. Chintamani: I do not know. If the honourable member will inquire I will find out and let him know.

Pandit Brijnandan Prasad Misra: When was he appointed?

The Hon'ble Mr. C. Y. Chintamani: The same answer as before.

Pandit Brijnandan Prasad Misra: Is he still in service?

The Hon'ble Mr. C. Y. Chintamani: Ditto.

Sarda Canal.

*12. **Pandit Brijnandan Prasad Misra**: (*a*) Is it a fact that a large tract of land was demarcated (marked as *daghbel*) for acquisition by the Sarda canal officers but was subsequently abandoned and a fresh *daghbel* on another area and in another direction marked in Pilibhit district?

(*b*) If so—

(i) Why was this done?

(ii) What compensation, if any, was paid to the owners or occupiers of the land marked for the area remaining uncultivated in

the expectation of its acquisition, and if no compensation has been paid will the Government compensate the losers now?

The Hon'ble Sir Ludovic Porter: The information required cannot be supplied without the village or villages referred to being specified, as numerous lines are being laid down in the Pilibhit district, and it is impossible to locate the exact tract to which reference is made.

*13. **Pandit Brijnandan Prasad Misra**: (*a*) Is the Government aware that there is a general grievance against the Sarda canal that it has not granted adequate compensation for the land acquired?

(*b*) Was the rate of compensation the same as has been set down for land acquisition in the Board's circulars?

The Hon'ble Sir Ludovic Porter: (*a*) Government is not aware of the fact.

(*b*) Yes.

Deputy Commissioner and Sub-divisional Officer, Naini Tal.

*14. **Pandit Brijnandan Prasad Misra**: (*a*) Is it a fact that the Deputy Commissioner of Naini Tal has left the work of receiving miscellaneous applications (addressed to the Deputy Commissioner himself) to the sub-divisional officer of Naini Tal?

(*b*) If so, what are the reasons of his doing so?

(*c*) If not, will the Government state how many applications did he himself receive in the month of September, 1922?

* 15. **Pandit Brijnandan Prasad Misra**: Will the Government inform the Council if the work of granting new licences for fire-arms in the Naini Tal district is done by the sub-divisional officer of Naini Tal since the arrival of the new Deputy Commissioner?

* 16. **Pandit Brijnandan Prasad Misra**: Will the Government state the number of days on which the present Deputy Commissioner of Naini Tal attended his office since his arrival in Naini Tal?

* 18. **Pandit Brijnandan Prasad Misra**: (*a*) Will the Government state how long has the sub-divisional officer been in Naini Tal?

(*b*) Have there been any complaints concerning illegal gratification either against him or his reader since he has been in charge of the Naini Tal sub-division; and if so, how many complaints have there been and what has been their result?

The Hon'ble Sir Ludovic Porter: A reply will be given at a later date.

Forest officers and their establishment, Tarai and Bhabar, Naini Tal.

* 20. **Pandit Brijnandan Prasad Misra**: (*a*) Has the Superintendent or executive officer of Bhabar Tarai or the Special Forest Officer of Bhabar Tarai any territorial jurisdiction over Naini Tal itself?

(*b*) If not, for how long do they live at Naini Tal in each year?

(*c*) Do these officers or their establishments receive any sort of travelling or halting allowance or any local allowance in relation to Naini Tal?

(*d*) What special duties connected with the officers or the jurisdiction of these officers are such as cannot be transacted from their headquarters and necessitate their staying at Naini Tal?

(*e*) Will the Government stop the practice of these officers living in Naini Tal or discontinue the allowances—if any—granted to them or their establishments for journeys for, or halts at, Naini Tal?

The Hon'ble Sir Ludovic Porter: An answer will be given at a later date.

Use of elephants by officers in Naini Tal.

* 21. **Pandit Brijnandan Prasad Misra:** (*a*) Are any elephants kept up at Government expense for the tours of the peshkars, the tahsildars, and the Superintendent of Bhabar Tarai in Naini Tal district?

(*b*) Do the superintendent of police, and the Deputy Commissioner of Naini Tal and the Commissioner of Kumaun also use these elephants?

If so, is any part of the travelling allowance of these officers deducted for the use of these animals when they are actually in their use?

The Hon'ble Sir Ludovic Porter: An answer will be given at a later date.

* 22. **Pandit Brijnandan Prasad Misra:** (*a*) Is it a fact that these elephants are kept idle from October to March each year, so that they may be used in hunting by the police superintendent and Deputy Commissioner of Naini Tal and the Commissioner of Kumaun; while the peshkars, tahsildar, and the Superintendent of Bhabar Tarai have to make their tours on horses or hired conveyances?

(*b*) If so, will the Government—

(i) prohibit the use of these animals by the police superintendent and Deputy Commissioner of Naini Tal and Commissioner of Kumaun? or in the alternative

(ii) compel them to defray the expenses of the upkeep of these animals from October to March each year? or

(iii) issue instructions that the peshkars and tahsildars and the Superintendent of Bhabar Tarai will be free to use these animals in any months for their official duties?

The Hon'ble Sir Ludovic Porter: An answer will be given at a later date.

Attendance of officials on visitors and hunters in Naini Tal.

* 24. **Pandit Brijnandan Prasad Misra:** (*a*) Has the Government learnt of the issue of a circular order by the Deputy Commissioner of Naini Tal recently to the tahsildars, peshkars, and the sub-divisional officers ordering some or all classes of these officers to attend on visitors and hunters? Will the Government lay a copy of this order on the Council table?

(*a*) What circumstances lead to the issue of such an order?

(*b*) Does the Government approve of the action of the Deputy Commissioner?

The Hon'ble Sir Ludovic Porter: A reply will be given at a later date.

Representation by tenants of Bharaul, district Mainpuri.

* 25. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state if it is a fact that the tenants of village Bharaul, district Mainpuri, sent a number of registered representations to the Collector and District Magistrate of Mainpuri and the Commissioner, Agra division, since March, 1921?

(*b*) Will the Government be pleased to lay the copies of the said representations on the table showing the action taken by the authorities on each representation?

(*c*) If not, will the Government be pleased to state the nature of complaints made in the representations?

The Hon'ble Sir Ludovic Porter: An answer will given at a later date.

* 26. **Pandit Nanak Chand:** Is it a fact that in these representations the tenants complained, among other things, of realization by the zamindars of excessive rents without granting receipts, exacting *begar*, purchasing articles on phenomenally cheap rates, inflicting corporal punishment?

The Hon'ble Sir Ludovic Porter: An answer will given at a later date.

* 27. **Pandit Nanak Chand:** (*a*) Is it a fact that the tenants submitted a representation to His Excellency the Governor through the Collector and District Magistrate of Mainpuri in September, 1922?

(*b*) Will the Government be pleased to lay a copy of the representation on the table and state what action, if any, has been taken and with what result?

(*c*) If not, will the Government be pleased to state if the said representation contains complaints against the zamindars—

(i) of exacting payments from tenants over and above their due rent without granting receipts with statement that the tenants have under directions of revenue officers taken to remitting rent by money orders which is resented by zamindars?

(ii) of purchasing *ghi* and fodder at phenomenally cheap rates and exacting *begar*?

(iii) of starting malicious cases in the court of one of the zamindars who is an honorary magistrate and village munsif?

(iv) of beating the pregnant wife of Sukha, gadaria, and getting the houses of Sukha and other gadarias looted?

The Hon'ble Sir Ludovic Porter: An answer will be given at a later date.

Withdrawal of complaint from Magistrate's court, Bharaul, Mainpuri.

* 28. **Pandit Nanak Chand:** (*a*) Is it a fact that on the application of the accused (in criminal case No. 27/34 of 1922 Bhogilal, complainant *v.* Dwarka, accused, under section 323, Indian Penal Code) for transfer from the court of Chaudhri Bhiri Singh, honorary magistrate, Bharaul, district Mainpuri, Mr. J. V. S. Wilkinson, District

Magistrate, passed an order on 5th of May, 1922, to the effect that cases from Bharaul be tried as a general rule by the tahsildar ?

(*b*) Is it a fact that the complainant withdrew the complaint on its first hearing in the court of the magistrate to whom the District Magistrate transferred the case ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : An answer will be given at a later date.

Withdrawal of suits in village munsif's court, Shikohabad.

* 29. **Pandit Nanak Chand :** Is it a fact that in suit No. 1121 of 1922, Babu Maharaj Singh and others, plaintiffs, *v.* Tejpal, defendant, in withdrawing the case from the court of Chaudhri Dhiri Singh, village munsif, on the application of the defendant, the munsif of Shikohabad remarked that the village munsif appears to be interested in the suit.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : An answer will be given at a later date.

Punitive police, Bharaul, district Mainpuri.

* 30. **Pandit Nanak Chand :** Is it a fact that recently punitive police has been appointed in village Bharaul ?

If so, will the Government be pleased to state the circumstances which led the Government to take this action ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (*a*) Yes.

(*b*) The extra force was necessary on account of the lawless conduct of the inhabitants of the village.

Pandit Nanak Chand : May I know what was the nature of lawless conduct of the villagers ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I ask for notice.

* 31. **Pandit Nanak Chand :** (*a*) Will the Government be pleased to state if they will, in view of the peaceful and loyal attitude of the tenants, withdraw the punitive police from village Bharaul ?

(*b*) Who are the persons from whom the cost of maintaining punitive police in village Bharaul is proposed to be realized and on what grounds are they required to contribute towards its cost.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (*a*) The Governor in Council will consider the question.

(*b*) All the inhabitants of the village, with the exception of those persons exempted under sub-section 5 of section 15 of the Indian Police Act, are required to bear the cost of the force on account of their own lawless conduct.

Curtailment of powers of Chaudhri Dhiri Singh.

* 32. **Pandit Nanak Chand :** Will the Government be pleased to state if it proposes to withdraw or curtail the powers of Chaudhri Dhiri Singh as honorary magistrate and village munsif in view of the opinion

expressed by the District Magistrate, Mainpuri, in criminal case No. 271 37 of 1922, Bhogilal *v.* Dwarka, and the opinion of the munsif of Shikohabad in suit No. 1181 of 1922 ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: An answer will be given at a later date.

Commission of offences in Farrukhabad and Etawah.

* 33. **Babu Gendan Lal:** (1) Will the Government be pleased to state with respect to the districts of Farrukhabad and Etawah—

(*a*) the number of offences committed?

(*b*) the number of persons concerned in the commission of offences in which swords or spears were used in 1920, 1921, and 1922 up to the end of March ?

2. How many of such persons were convicted, how many acquitted? In how many cases the charges were proved, not proved or found false ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Inquiry is being made.

Arms licences.

* 34. **Babu Gendan Lal :** Will the Government be pleased to state in respect of the districts of Farrukhabad and Etawah, how many applications for licences to keep swords, sword-sticks, and spears were made since April, 1922 ? How many of such applications were disallowed and on what grounds?

* 35. **Babu Gendan Lal :** (*a*) Is it a rule that before the application for a licence is granted the police are asked to report ?

(*b*) What are the principal reasons on which applications are disallowed ?

(*c*) Is the holding of certain political opinions also one of the reasons for disallowing application ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (*a*) No, such rule has been prescribed by either the Government of India or this Government.

(*b*) It is not possible to give any catalogue of reasons. Each case is considered on its merits.

(*c*) Sympathy with efforts to overthrow the established Government would certainly be a valid reason for the refusal of a licence. The honourable member's attention is invited to answers Nos. 14 and 23 of 5th August, 1922, and to answer No. 71 of the 25th October, 1922.

Babu Gendan Lal : It is a fact that before an application is granted, it is referred to the police ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No. As far as the Government is aware, there is no such practice.

Babu Gendan Lal : Is non-membership of the *Aman Sabha* one of the reasons for disallowing the application.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No.

Babu Gendan Lal : Is the fact that the applicant did not help the police in opposing non-co-operators one of the reasons ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The Government is not aware of the fact.

Recruitment of Lodhi Rajputs for Police Training School, Moradabad.

*47. **Pandit Nanak Chand :** (*a*) Is it a fact that a resolution praying that some of the Lodhi Rajput caste be admitted to the Police Training School, Moradabad, was communicated on behalf of the All-India Lodhi Rajput Conference to the Inspector-General of Police on the 27th March, 1921 ?

(*b*) Is it a fact that the Inspector-General of Police, United Provinces, in replying to the application of the Conference in his letter No. 3213/I (*a*)—233/21, dated the 14th July, 1921, intimated that every Lodhi candidate for employment in Police department will be judged on his own merits ?

(*c*) Is the Government aware that this community though not previously treated as a military recruiting class volunteered its services during the War and supplied recruits for combatants in large numbers and rendered valuable services and some members of this community have held Indian commissions of high rank ?

(*d*) Is it a fact that in paragraph 337 of the Police Regulations this community is included in the classes from which recruitment to the police is to be avoided ?

(*e*) Will the Government be pleased to state if they propose to remove this disability affecting this class ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (*a*) Yes.
(*b*) Yes.

(*c*) Yes. The Government acknowledges valuable services rendered by this community.

(*d*) Lodhis are included in the list of castes in paragraph 337, Police Regulations, from which recruits may not ordinarily be enlisted.

(*e*) The matter will be considered.

*48. **Pandit Nanak Chand :** (*a*) Is it a fact that Debi Singh, son of M. Dalchand Varma, who was considered to be a suitable candidate for the Police Training class by district officials, was rejected on the ground that he belonged to the Lodhi Rajput community ?

(*b*) Is the Government aware that M. Dalchand Varma was awarded a certificate and a recruiting badge for his recruiting work in his own community ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : He applied direct to the Inspector-General for admission to the Police Training School. No recommendations from the district officials were received either with his application or subsequently. He was not accepted as he was educationally unqualified.
(*b*) Yes.

Pandit Nanak Chand : Is it to be understood that the candidate in question was not a Matriculate or School-Leaving-passed candidate ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I ask for notice.

Bhagwati Sahai, political prisoner.

*49. **Pandit Nanak Chand:** (*a*) Is it a fact that the District Magistrate, Shahjahanpur, originally recommended Babu Bhagwati Sahai Bedar, who had been convicted in May, 1922, under section 108, Criminal Procedure Code, on refusing to offer sureties, to be treated as first-class misdemeanant and the two members of the Council representing the district also recommended the same treatment and that he was accordingly treated as such in Lucknow district jail?

(*b*) Is it a fact that subsequently the Joint Magistrate who had convicted Babu Bhagwati Sahai made a different report in his capacity as officiating District Magistrate in the absence of the District Magistrate in reply to an inquiry and consequently he has since been treated as an ordinary prisoner undergoing rigorous treatment at the central jail, Lucknow?

(*c*) Will the Government be pleased to state if they will reconsider his case in view of the original opinion of the District Magistrate supported by the members of the Council and treat him as first class misdemeanant?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) The honourable member is referred to answer No. 43 of the 31st October.

(*b*) The Governor in Council did not act on the Joint Magistrate's opinion.

(*c*) The case has been reconsidered and it has now been decided to accord special division treatment.

Subordinate Educational Service.

*50. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state what action has been taken on the applications representing hardships in individual cases received from the teachers in the Subordinate Educational Service which were invited by letter No. A-74, dated the 23rd November, 1921, by the Director of Public Instruction?

(*b*) What is the number of applications received by the Director of Public Instruction?

(*c*) What is the number of applications which have been withheld by the Inspectors of Schools?

The Hon'ble Mr. C. Y. Chintamani: (*a*) The matter is under consideration.

(*b*) One hundred and thirty.

(*c*) The information is not readily available. It will be collected and furnished to the honourable member in due course if he so desires.

Pandit Nanak Chand: Will it be laid on the table?

The Hon'ble Mr. C. Y. Chintamani: No.

Supersession of B.A., L.Ts.

*51. **Pandit Nanak Chand:** (*a*) Is it a fact that in 1920 a start of Rs. 125 was given to new and inexperienced M.A., L.Ts., superseding many experienced B.A., L.T., or B.Sc., L.T. teachers?

(*b*) Is it a fact that this principle of giving a higher start to new M.A., L.Ts, has been abandoned?

(*c*) Does the Government propose to redress the grievances of the superseded teachers mentioned in part (*a*)? If so, how does the Government propose to give effect to the same?

The Hon'ble Mr. C. Y. Chintamani: (*a*) In 1920, in order to attract to the Education department teachers with high academic qualifications, M.A.'s and M.Sc.'s, were offered a higher starting pay than B. A.'s or B. Sc.'s?

(*b*) The reply is in the affirmative.

(*c*) The appointments in question were made in accordance with the system in force at the time and no question of grievances and their redress arises in this connection.

Time-scale to Subordinate Educational Services.

*52. **Pandit Nanak Chand:** Will the Government be pleased to state what steps have been taken to give effect to the assurance given to the Council on the resolution of the late Dr. Manohar Lal for giving retrospective effect to increase in salaries to the members of the Subordinate Educational Service?

The Hon'ble Mr. C. Y. Chintamani: Government have worked out a scheme and find that the additional cost to the provincial revenue is likely to reach an amount which there is no possibility of finding in this or the next financial year. In the circumstances Government are obliged reluctantly to decide that no action can be taken at an early date.

Indian Educational Service.

*53. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to lay a statement on the table showing the number of the Indian Educational Service officers who worked as permanent members of the establishment of Director of Public Instruction in the years 1905, 1910, 1915, 1920 and 1922?

(*b*) Will the Government be pleased to state the new or additional duties which have devolved upon the Director of Public Instruction which has necessitated the appointment of no less than three permanent Indian Educational Service officers and occasionally an extra officer in connection with some special duty?

(*c*) Is there any Indian Educational Service officer on special duty attached to the office of Director of Public Instruction and what is the work that he is expected to do?

The Hon'ble Mr. C. Y. Chintamani: (*a*) A statement is laid on the table.

(*b*) The comparative figures given below will give an idea of the great increase of work in the office of the Director of Public Instruction since 1910:—

	In 1908-09.	In 1921-22.
(1) Correspondence (receipt and despatch)	23,250	38,835
(2) Number of officers in the Education department ..	611	1,700
(3) Number of recognized schools and colleges ..	260	352
	Rs.	Rs.
(4) Grants-in-aid	6,78,500	32,91,161
(5) Total budget figures	33,00,000	1,55,41,800

(c) The answer is in the negative.

Statement referred to in the answer to question No. 53 for the 13th November, 1922.

	1905.	1910.	1915.	1920.	1922.
Director of Public Instruction	1	1	1	1	1
Assistant Director of Public Instruction ..	1	1	1	1	1
Officer on special duty	..	..	1	..	..
Chief Inspector of Vernacular Education or Deputy Director of Public Instruction ..	..	..	..	1*	1†
Total ..	2	2	3	3	3

Board of High School and Intermediate Education.

*54. **Pandit Nanak Chand:** (a) Will the Government be pleased to state if the creation of the Board of High School and Intermediate Education has decreased the burden of work in the office of the Director of Public Instruction as distinct from the office of the Chairman of the Board?

(b) Will the Government be pleased either—

(i) to appoint a small committee, or

(ii) to refer it to the official Retrenchment Committee, to consider the possibility of replacing these high-paid Indian Educational Service officers by selected men from the Provincial or Subordinate Educational Service for discharging many of the routine functions in the office of the Director of Public Instruction or the Chairman of the Board of High School and Intermediate Education?

The Hon'ble Mr. C. Y. Chintamani: (a) The establishment of the Board of High School and Intermediate Education has not reduced the work in the office of the Director of Public Instruction but has added to it.

(b) By the words "these high-paid Indian Educational Service officers" the honourable member is presumably referring to the Director of Public Instruction, the Deputy Director of Public Instruction, and the Assistant Director of Public Instruction. Government does not consider that there is any necessity for appointing a committee or for a reference to the Retrenchment Committee in regard to these posts.

Information as to foreign educational or technical institutions.

*55. **Pandit Nanak Chand:** (a) Will the Government be pleased to lay on the table a list of educational officers to whom facilities under paragraph 433 of the Educational Code were given within the last 15 years to visit educational or technical institutions outside these provinces?

(b) What amount of public money has been spent for each of them for this purpose and what action has been taken in each case on their reports or notes of observation submitted to the department?

* Chief Inspector of Vernacular Education.

† Deputy Director of Public Instruction.

(*c*) Will the Government be pleased to publish these reports or notes of observation for the benefit and to broaden the outlook of educationists and teachers ?

The Hon'ble Mr. C. Y. Chintamani: The information is being collected and will be supplied to the honourable member when it is available.

UNSTARRED QUESTIONS.

Security in promissory notes given by Forest officers.

1. **Rai Narayan Dat Chhimwal Sahib:** Is the Government aware that—

(*a*) under the orders in force in the Forest department in this province security deducted from the salaries of subordinates is compulsorily invested in the purchase of Government promissory notes ?

(*b*) there has been a heavy fall in the value of such notes in recent years ?

(*c*) the Government of India has recently declined to admit any responsibility for returning securities which are in the form of promissory notes at the cash value at which the notes were originally purchased ?

(*d*) this has led many forest subordinates to suffer losses ?

Mr. A. B. Reid: (*a*) This Government are aware that this was the practice until recently, when the security deducted reached a certain figure.

(*b*) Yes.

(*c*) Yes.

(*d*) Yes; but the losses were unavoidable. Had Government promissory notes appreciated instead of depreciated in value, the forest subordinates would have reaped the advantage.

2. **Rai Narayan Dat Chhimwal Sahib:** Will the Government be pleased to —

(*a*) amend the orders in force in the Forest department so as to admit of security being furnished in other ways than by the compulsory purchase of the Government paper ?

(*b*) give orders that the security which has been invested compulsorily in the purchase of Government promissory notes shall be returned when due at no less than the cash value at which the notes were purchased ?

Mr. A. B. Reid: (*a*) This has already been made.

(*b*) No.

Extension of election rights in Naini Tal.

3. **Rai Narayan Dat Chhimwal Sahib:** Will the Government extend the right of the election of members to Haldwani, Ramnagar, Bhimtal, and Bhowali notified areas in the Naini Tal district for the season of their habitation ?

Mr. G. B. F. Muir: An answer will be given at a later date.

Repairs of roads in Almora district.

4. **Rai Narayan Dat Chhimwal Sahib**: Is it a fact that the district board road running through Johar in Pithoragarh subdivision of Almora is not being looked after properly and has not been repaired, after it was damaged and washed away in many places, by the board and that the same has been partially repaired a number of times by subscriptions raised by the residents of the place?

If so, is this due to the unwillingness of the residents to help the sub-divisional officer with coolie *utar* because he ordered, through the patwari of Mala Johar on the 20th July, 1921, that the road would not be maintained by the board if coolie *utar* was not given?

Mr. G. B. F. Muir: An answer will be given at a later date.

Forest notices in Kumaun.

5. **Rai Narayan Dat Chhimwal Sahib**: Is the Government aware of the notice published in large letters and posted and distributed in Kumaun stating—

"The future of Kumaun lies in its forests.

* * * * *

Help the Forest department to manage your forests?"

If so, who is responsible for the publication of these statements?

Mr. A. B. Reid: Yes. The notices were issued by the Publicity Commissioner at the suggestion of the Chief Conservator of Forests.

Provincial Educational Service and lecturers of Training Colleges.

6. **Pandit Brijnandan Prasad Misra**: Is it a fact that most of the lecturers of the Training Colleges have been put in the Provincial Educational Service from the 1st of October, 1921?

Kunwar Jagdish Prasad: The answer is in the affirmative.

7. **Pandit Brijnandan Prasad Misra**: Is it also a fact that officiating lecturers, such as Mr. J. P. Mukharji of the Allahabad Training College and one from the Agra Training College also got into the Provincial Service?

Kunwar Jagdish Prasad: Babu Jagdish Prasanno Mukharji, M.S.C., L.T., assistant master in the Subordinate Educational Service, officiated as Lecturer, Training College, Allahabad, in the United Provinces Educational Service, in a leave arrangement. As to the other lecturer referred to in the question, the honourable member is referred to the reply given to question No. 79 of the 25th October, 1922.

Casual leave to officers and ministerial staff.

11. **Pandit Brijnandan Prasad Misra**: Will the Government inform the Council of the maximum duration for which ministerial staff may be granted casual leave?

Is there any, and if so, what, difference between the durations of the casual leave of officers and the ministerial staff?

Mr. G. B. Lambert: The honourable member is referred to paragraphs 187 to 189 and 194 of the Manual of Government Orders, and to the answer to question No. 27 for the 28th July, 1921. The limit of 10

days has been extended to 14 from time to time in recent years. The reply to question No. 27 for the 28th July, 1921, however, applies to this extension.

Case of Kundan Singh, Naini Tal.

17. **Pandit Brijnandan Prasad Misra :** Will the Government lay on the table the papers of the case of Kundan Singh, bill clerk, Deputy Commissioner's office, Naini Tal, that relate to his resignation and subsequent reinstatement ?

Mr. G B. F. Muir : An answer will be given at a later date.

Prisoners convicted in the Katarpur riot case.

19. **Pandit Brijnandan Prasad Misra :** (*a*) What is the number of the prisoners convicted in connection with the Katarpur riots ?

(*b*) How many of them have already been released ?

(*c*) How many of them are still in jail and what are the terms of imprisonment to which they were sentenced ?

Mr. L. S. White : (*a*) One hundred and forty-five.

(*b*) Eight.

(*c*) One hundred and thirty-three. Of these 66 are undergoing sentences of transportation for life, two sentences of rigorous imprisonment for four years, and the remainder sentences of seven or ten years' rigorous imprisonment.

Enforcement of order *re* promotion to Hindi and Urdu-knowing staff in Kumaun.

23. **Pandit Brijnandan Prasad Misra :** (*a*) Is the Government aware that the principle that nobody would, after two years, be promoted to any place of Rs. 50 or above Rs. 50 per mensem in the Kumaun division, who is not well conversant with both Hindi and Urdu, has not been strictly followed in the Kumaun division as was desired by the Government order in the General Administration department, dated the 13th February, 1907 ?

(*b*) Will the Government inquire from the District Officers of the Kumaun division how may ministerial posts carrying a salary of Rs. 50 or above per mensem are at present occupied by persons who know either Hindi or Urdu alone but do not know both ?

(*c*) Will the Government issue fresh instructions for the strict enforcement of the aforesaid order ?

Mr. G. B. Lambert : A reply will be given at a later date.

Amendment of the United Provinces Municipalities Act.

36. **Babu Gendan Lal :** Is it under the contemplation of the Government to amend the Local Municipalities Act, 1916, on the lines of the District Boards Act with respect to—

(1) the area of the constituencies ?

(2) the qualification of the electors ?

Mr. G. B. F. Muir : No.

Provincialization of certain posts in Judges' courts.

37. **Babu Gendan Lal:** Will the Government be pleased to make the posts of the reader, the head clerk, and the munsarim of the District Judge's court provincial?

Mr. L. S. White: A reply will be given at a later date.

Improvement of the potato industry.

38. **Babu Gendan Lal:** (1) Has anyone now in the Agricultural College or elsewhere in these provinces studied the diseases in potatoes and their remedies?

(2) Is the Government going to take steps to improve the potato industry in these provinces? If so, how?

(3) Is the Government aware that the potato industry in these provinces is going down?

Mr. A. B. Reid: (1) Yes. The subject is under the investigation of the Plant Pathologist to Government, United Provinces.

(2) The establishment of a farm at Farrukhabad for the study of potatoes is under consideration; but it can only be opened when financial conditions improve.

(3) Government are aware that a deterioration is taking place.

39. **Babu Gendan Lal:** (1) Has the Government considered the establishment of a *potato starch* factory in some suitable place in these provinces? If not, will the Government be pleased to do it now?

(2) Will the Government help in the starting of such a factory, if one were to be established by private enterprise? If so, how?

Mr. A. B. Reid: (1) No, and in the present state of the provincial finances it does not appear that any useful purpose would be served by considering such a scheme now.

(2) The Director of Industries would gladly offer advice. Whether any other kind of assistance could be furnished by Government would depend upon circumstances.

Allowance to assessors in Session cases.

40. **Babu Gendan Lal:** Is the Government aware that the allowance given to the assessors who come to assist the court in Sessions cases is insufficient? If so, will the Government be pleased to increase it and make it sufficient to cover their expenses?

Mr. L. S. White: Government has received no complaints that the allowances paid to assessors are inadequate. They are already entitled to their *bonâ fide* travelling expenses, if they live more than five miles from the court, and to a subsistence allowance, if detained for more than one day.

Experimental farm at Farrukhabad.

41. **Babu Gendan Lal:** (1) Has the Government given up the idea of establishing a demonstrative or an experimental farm at Farrukhabad? If so, why?

(2) Was any land for such a farm inspected by Mr. Clarke in Farrukhabad?

(3) Was any land acquired for the farm ?

(4) If the idea of establishing a farm has not been given up, when will it be taken up again ?

Mr. A. B. Reid : (1) No.

(2) Yes.

(3) No.

(4) When the financial situation admits of it.

Statement regarding depressed classes.

42. **Babu Khem Chand :** Will the Government be pleased to lay on the table a statement showing in each district of these provinces—

(*a*) the total population of Muhammadans, Hindus, Christians, and depressed classes separately ?

(*b*) the number of Muhammadans, Hindus, Christians, and depressed classes who are members of the district boards ?

Mr. G. B. F. Muir : An answer will be placed on the table at a later date.

Primary schools for depressed classes.

43. **Babu Khem Chand :** Will the Government be pleased to lay before this Council a table showing in each district of the United Provinces and Oudh :—

(*a*) how many primary schools have been opened for depressed classes ?

(*b*) how much money has been distributed out of the fund set apart for opening educational institutions for depressed classes ?

(*c*) what special arrangements have been made for imparting education to them ?

Kunwar Jagdish Prasad : A reply will be given at a later date.

Admission of depressed classes in Police Training School, Moradabad.

44. **Babu Khem Chand :** Will the Government be pleased to state—

(*a*) how many candidates have been nominated and selected for admission into the Police Training School at Moradabad from these provinces in the year 1922 ?

(*b*) how many of them were unqualified ?

(*c*) how many of them were from the depressed classes ?

If the answer to part (*c*) is blank, will the Government be pleased to state what special consideration the Government has shown to any candidate from the depressed classes ?

Mr. G. B. Lambert : The final selection of candidates for the Police Training School has been postponed till the return of the permanent Inspector-General of Police from leave on the 18th instant.

This department has been more considerate to the depressed classes than any other department.

Sanitary improvements in depressed class areas, Agra.

45. **Babu Khem Chand**: (1) Is the Government aware of the great dissatisfaction that exists among the classes known as depressed in various mohallas of the city of Agra, where these classes live on account of these mohallas having—

(*a*) no satisfactory arrangement for light?

(*b*) no *pakka* lanes?

(*c*) no *pakka* drains?

(*d*) very small number of water-pipes in the lanes?

(2) If not, will the Government inquire into the matter and take action where necessary?

Mr. G. B. F. Muir: An answer will be placed on the table at a later date.

Travelling munsif's court No. 2.

46. **Pandit Nanak Chand**: (*a*) Will the Government be pleased to state if there is any need of keeping the moving additional munsif's court No. 2 as such or the Government intends to locate it somewhere as a permanent or additional court?

(*b*) Will the Government be pleased to state the periods for which the establishment of this court was required to work since November, 1921 and the intervals when it was not so employed?

(*c*) What is the strength of the establishment and what is its monthly expense by way of salaries, etc., and where is it stationed at present?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) and (*b*) It is presumed that movable staff No. 2 is meant. It has not been employed as the staff of a court since 27th November, 1911; owing to the lack of a presiding officer for such a court. The lack of a presiding officer is due to shortage of officers. But it has been employed at headquarters at Moradabad.

(*c*) The strength and monthly cost of the establishment is—

One munsarim on Rs. 80.

One clerk on Rs. 45.

One copyist on Rs. 30.

Two orderlies on Rs. 21.

One daftri on Rs. 10-8.

It is at present at Moradabad, and is to be employed as the staff of the temporary court of the additional subordinate judge of Bijnor at Moradabad from the 15th November, 1922.

Accommodation in Judge's court, Mainpuri.

56. **Rai Maharaj Singh Sahib**: (*a*) Is the Government aware that there are not enough rooms in the Judge's court of Mainpuri?

(*b*) Will the Government be pleased to enlarge it as soon as possible?

Mr. L. S. White: Inquiries are being made.

Bridge over the Jamna at Naronghee Bah in the Agra district.

57. **Rai Maharaj Singh Sahib:** (*a*) Will the Government be pleased to state the income derived from the Noranghee Bah ghat on the Jumna between Bateshwar and Rapri in the Agra district from 1900 to 1922?

(*b*) Will the Government consider the possibility of constructing a cart-road bridge over the Jumna at Noranghee Bah?

Mr. G. B. F. Muir: An answer will be given at a later date.

Application of section 144, Criminal Procedure Code, in Mainpuri.

58. **Rai Maharaj Singh Sahib:** (*a*) Will the Government be pleased to state how many times section 144, Criminal Procedure Code, has been used in the Mainpuri district and in what places to prohibit public meetings in 1922?

(*b*) Is it a fact that the *Aman Sabha* meetings went on where section 144 prohibited such meeting?

Mr. G. F. Lambert: (*a*) Eight times, namely, twice in Mainpuri town, and once each in Barnahal, Kuraoli, Shikohabad, Sirsaganj, Pharaha and tahsil Karhal.

(*b*) Yes, in some instances. The orders were not intended to apply to peaceful meetings in support of the cause of law and order.

Assessment for punitive police at Bharaul.

59. **Rai Maharaj Singh Sahib:** (*a*) Is the Government aware of the fees levied on the inhabitants of Bharaul to cover the salary of the police guard posted there?

(*b*) What is the principle of calculation of income of different class of tenants, zamindars, traders and labourers?

(*c*) Will the Government be pleased to inform the magistrate to revise the fee list and consult the leading men of Bharaul in calculating the income of the inhabitants?

Mr. G. B. Lambert: (*a*) Yes.

(*b*) Detailed inquiries were made in every case. The incomes of zamindars and tenants were calculated mainly on the basis of the land revenue or rent paid by them. In other cases the income was estimated from actual local inquiry.

(*c*) Government has nothing before it which would justify the issue of these instructions.

Transfer of patwaris in Mainpuri.

60. **Rai Maharaj Singh Sahib:** (*a*) Has the resolution in Council making patwaris transferable been given effect to in the Mainpuri district?

(*b*) If the answer be in the affirmative, will the Government be pleased to lay on the table a list of such transfers?

(*c*) If not, will the Government be pleased to give effect to it at an early date?

Mr. G. B. F. Muir: An answer will be given at a later date.

Restriction on partition in the Basti district.

61. **Mr. Shakir Ali :** Is it a fact that a co-sharer owning less than ten acres is debarred in the Basti district from getting his share partitioned ?

Mr. G. B. F. Muir : An answer will be given at a later date.

62. **Mr. Shakir Ali :** Will the Government be pleased to fix the unit of five acres in place of ten acres ?

Mr. G. B. F. Muir : An answer will be given at a later date.

Establishment of a Pasteur Institute at Lucknow.

63. **Mr. Shakir Ali :** How many dog-bite cases of the United Provinces of Agra and Oudh were treated at Kasauli in 1919, 1920, and 1921 ?

64. **Mr. Shakir Ali :** What were the expenses from different sources which the Government had to incur in dog-bite cases treated at Kasauli during 1919, 1920, and 1921 ?

Mr. G. B. F. Muir : Government have no information.

65. **Mr. Shakir Ali:** Has the Government ever considered the advisibility of opening a branch of the Pasteur Institute at Lucknow in connection with the Medical College ?

Mr. G. B. F. Muir : Yes.

66. **Mr. Shakir Ali :** Is the Government aware that the climatic conditions have no great part to play in the treatment of dog-bite cases ?

Mr. G. B. F. Muir : Yes.

67. **Mr. Shakir Ali :** Is the Government aware that the Director of the Pasteur Institute at Kasauli was of opinion last year that it was possible to have an Institute at Lucknow with the best possible result ?

68. **Mr. Shakir Ali:** Will the Government kindly consider the question of having a Pasteur Institute at Lucknow at an early date ?

Mr. G. B. F. Muir : The proposal most recently referred to this Government for opinion is to the effect that virus prepared at Kasauli should be despatched to Lucknow for direct use and that treatment should be given at the King George's Medical College Hospital. The question is under consideration.

Rent for the Imperial Hotel, Lucknow.

69. **Mr. Shakir Ali:** Is it a fact that the Government have had to spend the following sums of money on the old Imperial Hotel, Lucknow :—

	Rs.
Purchase price	1,10,000
Electric istallation	10,000
Repairs, etc.	15,000
Furniture, etc.	15,000
Total ..	1,50,000

Mr. A. C. Verrières: The undermentioned amounts have been spent on the old Imperial Hotel, Lucknow:—

	Rs.
(1) Purchase price	1,10,000
(2) Electric installation	9,814
(3) Repairs to electric installation and building ..	18,337
(4) Purchase of furniture	20,697
Total ..	1,58,848

70. **Mr. Shakir Ali:** (*a*) Is it a fact that the hotel has been reserved for the members of the Legislative Council?

(*b*) Is it a fact that the hotel has got 26 rooms?

(*c*) Is it a fact that Rs. 5 per day for hot weather and Rs. 4 per day for cold weather have been fixed as daily rents for the occupation of a set of rooms and the use of the furniture, electric installation, and the cost of the current consumed?

(*d*) Is it a fact that only six rooms have been occupied by the members since the hotel has been thrown open on the 24th October, 1922?

Mr. A. C. Verrières: (*a*), (*b*), (*c*), and (*d*) Yes.

71. **Mr. Shakir Ali:** Is the failure to take the rooms due to the fact that the rents fixed are unreasonable and rather high?

Mr. A. C. Verrières: Government have no information on the subject.

72. **Mr. Shakir Ali:** Is the Government prepared to consider the question of the fixation of the rent on the following basis:—

(*a*) Six and half per cent. interest on purchase price, electric installation, and repairs, or about Re. 1 per day per set of rooms?

(*b*) Twelve per cent. interest on furniture, or annas three per day per set of rooms.

(*c*) Taxes, etc., about annas two per day per set of rooms?

(*d*) Electricity during cold weather, 8 annas per day per set of rooms.

(*e*) Servants, etc., annas two per diem per set of rooms.

That is Rs. 1-15 or thereabout per diem per set of rooms?

Mr. A. C. Verrières: As the rooms in the hotel will be occupied during Council sessions only, the proposed rent will not cover the interest and other recurring charges on the hotel. A note explaining how the present rate of rent was arrived at is laid on the table and Government do not propose to adopt the rates proposed by the honourable member.

Note referred to in the answer to question No, 72 for the meeting of the 13th November, 1922.

The rent on the hotel was calculated as follows:—

	Rs.
Capital cost of building	1,10,000

I.—*Recurring expenditure on building.*

	Rs.	
(*a*) Interest on Rs. 1,10,000 at 6 per cent.	6,600	per annum.
(*b*) Maintenance at 1½ per cent.	1,650	ditto.
(*c*) Depreciation at 5 per cent.	554	ditto.
(*d*) Municipal taxes	412	ditto.
Total	9,212	ditto.

II.—*Rent on furniture.*

	Rs.	
Capital value of furniture	24,697	
Rent at 12 per cent. on capital value	2,484	per annum.

III.—*Rent on electric installation.*

	Rs.	
(*a*) Capital cost	9,814	
(*b*) Special repairs	3,693	
Total	13,507	
Rent at 11 per cent. (Interest 6 per cent. Repairs and depreciation 5 per cent.)	1,486	per annum.

Expenditure.

	Building.	Furniture.	Electric installation.
	Rs.	Rs.	Rs.
Maintenance	1,650	..	1,486
Depreciation	550	..	
Repairs	..	2,484	..
Renewals			
Interest	6,600	..	..
Taxes	412	..	..
Total	9,212	2,484	1,486
Add cost on current used			=13,184 5,048*
Therefore annual expenditure			15,683

* Assuming a consumption of one unit per day per room for 84 days at annas six a unit.

The rooms will only be occupied during the Council sessions and Government will have to face recurring expenditure during the rest of the period which will not be counterbalanced by receipts. The total number of sessions in any one year have been taken at nine weeks, allowing an extra three weeks for emergent business. It is, therefore, taken that the rooms will be occupied for a total period of 12 weeks, or 84 days.

To meet the recurring charges in full the average daily rent per set of quarters would accordingly be assessed at an average of Rs. 6-8 (Rs. 7 a day during summer months and Rs. 6 a day during winter). This would bring Rs. 14,196, which would just cover with a small margin the annual expenditure incurred by Government. But that as

the above rent would be very high and would deter a large number of them from occupying the rooms Government decided to fix the rent at Rs. 5 per diem during the summer months and Rs. 4 per diem during winter months. This brings the rent to Rs. 9,828, per annum against an annual expenditure of Rs. 13,688.

73. **Mr. Shakir Ali:** Will the Government kindly fix Rs. 2 per day for each set of rooms during cold weather and Rs. 2-8-0 per day during hot weather in order to induce members to occupy all the rooms ?

Mr. A. C. Verrières: The honourable member is referred to the answer given to question No. 72.

STATE RAILWAYS ADVISORY COMMITTEE.

The Hon'ble the President: Papers have come to me from the Government from which it appears that the Government of India have decided, after consultation with the Advisory Council for Railways, to establish committees in different provinces for advisory purposes so far as the State-owned railways are concerned. As honourable members are aware, the Oudh and Rohilkhand Railway is one of such railways, and passes through this administration. The proposal, then, is to have an Advisory Committee consisting of a maximum of twelve members; the Agent of the railway being *ex officio* Chairman, two members to be nominated by the Local Government, one from the local municipality which is the Railway headquarters, five members to represent trade, industry, commerce, and the like in the various large urban areas, and three members to represent the local Legislative Council. Those three members should n turally, as far as possible, represent the rural areas and the travelling public, as the five members representing trade, commerce and industry will probably represent the urban areas. It has been suggested that honourable members of the Council should elect these three members. It is not altogether satisfactory to have an election of this kind because all the members are not equally concerned. Those members only are mainly concerned through whose constituencies the railway passes. I should be inclined myself to suggest that the better course would be for the non-official members of the Council to take the opportunity during the luncheon recess to choose three members themselves, who would be in a position to give advice regarding railway matters, and to let me know the names of those members. I will then report them to the Government, which will appoint them as members of the Advisory Committee. I think perhaps this would be a better plan than the election of members; but if the Council prefers election there is no objection.

Pandit Nanak Chand: Will this committee deal with the North-Western Railway ?

Babu Gendan Lal: Will it deal with the Bombay, Baroda and Central India Railway also ?

The Hon'ble the President: The idea apparently is that Committees will be constituted in those administrations where the headquarters of the railways are situated. That would rule out the railways mentioned, except the Oudh and Rohilkhand Railway. So in this case, as far as the papers show, the committee would deal only with the Oudh and Rohilkhand Railway.

THE UNITED PROVINCES DISTRICT BOARDS BILL, 1921.

CLAUSE 110.

Mr. G. B. F. Muir: I beg to move that after the word "impose" for the words "within any part . . . Regulation 1795" the following be inserted, namely, "in any local area within the."

The motion was put and adopted.

Mr. G. B. F. Muir: I beg to move that for the words "the whole or any part of such district" the words "such local area" be substituted.

The motion was put and adopted.

Thakur Hanuman Singh: I beg to move that in "3(2) (*a*)" "three annas 6 pies" "two annas six pies" be substituted. I desire that the proportionate decrease in the rate of taxation should be made in respect of the districts which are permanently settled as is the case in the rest of the province.

The Hon'ble Pandit Jagat Narayan: I accept the amendment on behalf of Government.

The motion was put and adopted.

Thakur Hanuman Singh: With your permission, Sir, I would like to move that in sub-clause 3 (2) (*a*) of clause 110, lines 3 and 4 the words "or within the three years immediately preceeding" be omitted.

The Hon'ble the President: Since previous notice of this amendment has not been given, is there any objection to its being moved now?

The Hon'ble Pandit Jagat Narayan: Yes, Sir.

The Hon'ble the President: Objection is taken. The amendment cannot be moved.

Thakur Hanuman Singh: I move that in the proviso to clause 110 (2) for the words "three annas six pies" substitute "two annas six pies."

This is a consequential amendment and I do not think any explanation is needed.

The Hon'ble Pandit Jagat Narayan: I accept this amendment.

The amendment was put and adopted.

The motion that clause 110 as amended stand part was put and adopted.

CLAUSE 111.

Mr. G. B. F. Muir: I move that in clause 111 the following words be omitted "and the board shall not, without the previous sanction of the Local Government, be empowered to reduce the amount of the said rate."

These words are redundant in view of the wording of clause 109 of the Bill and their retention here might possibly give rise to the misconception that a Board could, without the previous sanction of the Local Government, raise the amount of the said rate. Of course it could not, and it would be better to omit these words as they are unnecessary.

The amendment was put and adopted.

The motion that clause 111 as amended stand part was put and adopted.

CLAUSE 112.

The motion that clause 112 do stand part was put and adopted.

CLAUSE 113.

The motion that clause 113 do stand part was put and adopted.

CLAUSE 114.

The motion that clause 114 do stand part was put and adopted.

CLAUSE 115.

Rai Kunwar Parmanand Bahadur: Consistently with the position I have taken with regard to the District Boards Bill, I place before the Council the amendment that in sub-clause (*b*) of clause 115 for "two hundred rupees" substitute "fifty rupees." The sub-clause will then read as follows:—

"(*b*) no tax shall be imposed on any person whose total taxable income is less than fifty rupees per annum; and"

My object in bringing this amendment before the House is that the amount of tax collected under the head of "circumstances and property" may be increased. Every tenant and every zamindar will now have to bear the increased burden in view of the alterations that have been made in section 100 notwithstanding the opposition that we were able to offer. I propose, therefore, in order that different kinds of taxes be proportionate and equitable, that the limit be brought down from Rs. 200 to Rs. 50. I trust the House will see the reasonableness of this proposal and will accept the amendment.

The Hon'ble Pandit Jagat Narayan: I strongly oppose the motion, because if it is accepted it would mean that every person who earns Rs. 4-4 a month would be subject to this taxation.

Mr. Zafar Husain: I beg to move my own amendment No. 246 on the notice paper.

The Hon'ble the President: The honourable member can speak to the motion before the Council, that the words in the Bill, viz., Rs. 200, stand part. If these words do not stand part, it will be open to the honourable member to move his own motion or any other motion, provided he has permission. The honourable member should speak to the motion, giving his reasons for the omission of Rs. 200.

Mr. Zafar Husain: My friend Rai Kunwar Parmanand Bahadur has moved an amendment. Can I move mine as an amendment to his amendment?

The Hon'ble the President: The honourable member can move an amendment.

Mr. Zafar Husain: Then, Sir, I move that "Rs. 300" be substituted for his Rs. 50. The position then will be that in sub-clause (*b*) of clause 115 the total taxable income will be Rs. 300. The object in moving this amendment is that so far in the rural area there has been no tax on circumstances and property. Under this Bill it is being imposed as an entirely new one. The Government have borrowed this figure of Rs. 200 from the Municipalities Act. So far the Council has agreed that there should be no objection whatever to the imposition of

[Mr. Zafar Husain.]

a tax on circumstances and property ; at the same time I wish to bring to the notice of the House that the amount of Rs. 200 is very small, and if the figure Rs. 300 is substituted I do not think that will involve a considerable change. It seems to me that under this Bill—it is not clear but I will take it so— every person who is assessed to income-tax within the rural area will also be liable to pay the tax on circumstances and property. So that the position will be that all persons who are paying income-tax in the rural area will also be called upon to pay this tax. That will mean they will have to pay a double tax ; whereas those persons who have been carrying on business on a small scale and who are poor money-lenders will be called upon to pay the tax on circumstances and property if their income is not less than Rs. 200. The result will be that the tax which is being levied in a disproportionate way will, instead of improving trade in the rural area, retard it because it has been admitted times without number that heavy taxation, instead of giving an impetus to trade, generally checks it. It has been stated by the Hon'ble the Finance Member that the present deficit in district boards is 14 lakhs. The Council has passed the other day, in spite of our opposition, an increase in the local rate to the extent of 6½ per cent. According to the calculations which I have made I am quite sure the local boards will get an amount of about Rs. 20 lakhs under the increased amount of tax which has been agreed to by the Council. Therefore, in order to cover the deficits of district boards amounting to about 14 lakhs the boards will already get about 20 lakhs from the increased rate. First of all, it was not altogether necessary for the Government to have inserted this queer tax, i.e., the tax on circumstances and property if they have got an excess amount from other sources. But, as the Council has agreed to it, I will not object to it. I will only say that the deficit of district boards to the extent of Rs. 14 lakhs has already been covered by the increased amount of tax in the local rate and therefore it will not be necessary to have this tax. Anyhow let it be granted that the total taxable income on circumstances and property may be levied on Rs. 300 and not Rs. 200.

The Hon'ble Pandit Jagat Narayan : I do not propose to oppose this amendment. I will leave it to the decision of the Council. My reasons for doing so are these : I admit that the minimum fixed is low enough, because even if they imposed a tax at the rate prescribed by the Act a man who will be earning Rs. 200 will have to pay only Rs. 4 per year and from my experiences of the collection of tax on means and circumstances it will be very difficult to collect small sums and the boards will have to employ a large number of servants and staff to do so. However, Sir, I leave the decision of this question in the hands of the Council and I do not oppose it.

Rai Thakur Mashal Singh Bahadur : I rise to oppose the amendments of my honourable and venerable friend Kunwar Parmanand Sahib and my young friend Mr. Zafar Husain. The amendment which has been moved by my honourable friend Kunwar Parmanand proposes that a man whose income is less than Rs. 50 should be exempt from taxation. I think the effect of this amendment will be to tax everybody and there will be no exemption at all, because even a man who earns Re. 4-4 a month will have to pay a tax of 4 pies in the rupee. This will be a

real hardship upon the poor citizens of our provinces. In the amendment which has been moved by my honourable friend Mr. Zafar Husain he has carried the limit too far because when a tenant has to pay even Rs. 10 as rent whose income is very small, he will have to pay a tax assessed under section 110 (*a*), then why should not a man who earns Rs. 200 per annum, i.e, Rs. 17 a month be taxed? When both the honourable gentlemen have been sailing in the same boat I do not know why a rift has been made within the lute. We find that one goes to one extreme and the other goes to the other extreme. In my opinion the amount as proposed in the Bill should be retained.

Pandit Govind Sahai Sharma: I beg to support the amendment of my honourable friend Mr. Zafar Husain. I believe that if India is to prosper in her industries it will be with the help of her cottage industries. I do not think we can compete with the outside world on modern lines and, to take the example of Japan, India has to depend upon the cottage industries. If we put this tax on an income of even Rs. 14 a month I think a good number of the labouring classes would leave the villages and go to the towns, where they can easily earn from ten annas to one rupee a day. This would be a great hardship on them. I think zamindars, money-lenders, and the trading class people who live in the villages will have great difficulty in finding labourers in the rural areas. With these few remarks I support the amendment of Mr. Zafar Husain.

Rai Kunwar Parmanand Bahadur: Having heard the honourable member for Hardoi I am prepared to take his advice. In order that there may be no difference between me and the honourable member for Fatehpur and in the hope that my views may be in greater agreement with those of the honourable member for Hardoi I withdraw my amendment if you, Sir, and the House will allow me to do so. By putting forward this amendment I wanted prominently to bring to the notice of the House the fact that in dealing with tenants and zamindars the same tenderness has not been shown and that every tenant, however low his rent, and every zamindar, however low his income, is subject to taxes.

The Hon'ble the President: Is Mr. Zafar Husain also willing to withdraw his amendment?

Mr. Zafar Husain: I also beg leave to withdraw my amendment.

The amendment proposed to the original amendment was, by leave of the Council, withdrawn.

The original amendment also was, by leave of the Council, withdrawn.

CLAUSE 115.

Thakur Hanuman Singh: I beg to move the following motion:—

After paragraph (*d*) add the following:—

"Explanation (*i*) Taxable income means actual estimated income derived by the person to be taxed.'"

In moving this amendment I have to bring to the notice of this House that those persons who have got decent houses . . .

The Hon'ble the President: The word "derived" is obscure as used in that sense. Will the honourable member's meaning be clear by substituting the word "of" for the words "derived by" so that "taxable income means actual estimated income of the person to be taxed"?

Thakur Hanuman Singh: Yes, Sir, I accept the suggestion.

I believe that when a tax on circumstances and property will be levied, the rent of the houses of those persons who have got decent houses will be included in their income. If so, I think it will be a great hardship on those who own houses but do not rent them. Take the example of a man who is paying income-tax and land tax on his holding and on his zamindari. He will also be made to pay, because he possesses a spacious and grand-looking house, a tax on circumstances and property. In this way he will have to pay four taxes—income tax, on the income in which rent of the house will be included, land tax, and tax on his cultivatory holding. I, therefore, submit that the rent of houses should not be taken into consideration when the tax on circumstances and property be levied, otherwise it will act as a great hardship on the house-owners.

With these remarks, Sir, I commend my amendment for the acceptance of the House.

The Hon'ble Pandit Jagat Narayan: I am sorry to oppose the amendment that has been proposed by my honourable friend. First of all " actual estimated income " is a contradiction in terms. There can be no such thing as " actual estimated income." I agree with my honourable friend that in some cases if the rent of the house is taken into consideration to find out a man's *haisiyat* it would be a great hardship, but we cannot make rules which will not cause some sort of hardship to one person or the other. The tax on circumstances and property is in force in a very large number of municipalities and it has been imposed under rules which have got the acceptance of the public. The same rules would apply here. Lastly, it appears to me that my landlord friends expect a very large income from this tax on circumstances and property. If we go on cutting it down in this way, practically nothing would be realized from this tax. I, therefore, submit that this amendment should not be accepted.

Take, for instance, the case of a man who lives within the limits of a municipality. He has to pay the income-tax, he has to pay a water-rate, he has to pay a house-tax and at the same time when the tax on means and circumstances is levied, his house rent and every other income is taken into calculation. Therefore it is not true that the inclusion of house rent in determining a person's *haisiyat* will inflict any special hardship on those who are living in rural areas.

Mr. K. P. Singh: A similar amendment stands in my name (256A) which I beg to move to this amendment . . .

The Hon'ble the President: What is the honourable member moving?

Mr. K. P. Singh: I am not going to move my own amendment. I said that as a similar amendment stood in my name which I had the honour not to move at present, I was supporting the amendment of my friend Thakur Hanuman Singh. If assessment were made on assumed and prospective income it would cause great hardship in rural areas and it would be unjust. The Hon'ble the Minister of Local Self-Government has pointed out the advantages derived in the urban area by paying water-rates, etc. There are many advantages in the urban area which we enjoy and we do not feel the payment, whereas in the rural area the advantages are less and taxes are heavy. Therefore, I support the amendment of my friend Thakur Hanuman Singh.

Rai Thakur Mashal Singh Bahadur: May I be permitted to move an amendment to the amendment moved by Thakur Hanuman Singh?

The Hon'ble the President: What is the amendment?

Rai Thakur Mashal Singh Bahadur: I would simply delete the word "actual."

The motion that the word "actual" be omitted from the amendment of Thakur Hanuman Singh was put and the Council divided as follows:—

Ayes (39).

Rai Thakur Mashal Singh Bahadur,
The Hon'ble Mr. C. Y. Chintamani,
The Hon'ble Pandit Jagat Narayan,
Mr. G. B. Lambert,
Mr. H. S. Crosthwaite,
Mr. A. B. Reid,
Mr. S. H. Fremantle,
Mr. A. C. Verrières,
Mr. R. Burn,
Mr. C. M. King,
Mr. F. F. R. Channer,
Mr. H. DeL. Ross,
Mr. A. H. Mackenzie,
Lieut.-Col. A. W. R. Cochrane,
Mr. H. M. Leake,
Mr. L. S. White,
Mr. G. B. F. Muir,
Pandit Govind Sahai Sharma,
Rai Sheo Charan Lal Sahib,
Rai Ravinandan Prasad Bahadur,
Rai Kishori Lal Sahib,
Pandit Soti Vishnu Swarup,
Pandit Hirday Nath Kunzru,
Chaudhri Mukhtar Singh,
Rai Sita Ram Sahib,
Pandit Nanak Chand,
Thakur Manak Singh,
Munshi Narayan Prasad Ashthana,
Chaudhri Sher Singh,
Rai Daya Shankar Sahib,
Babu Gur Sahai,
Rai Gopal Das Sharma Sahib,
Major D. R. Ranjit Singh,
Lieut. Rai Kunwar Nand Lal Bahadur,
Mahant Parmanand Gir,
Pandit Baijnath Misra,
Pandit Gokaran Nath Misra,
Rai Vikramajit Singh Bahadur,
Pandit Iqbal Narayan Gurtu.

Noes (34).

Kunwar Jagdish Prasad,
Raja Muhammad Ejaz Rasul Khan,
Major Kunwar Shamsher Bahadur Singh,
Lala Shadi Ram,
Rai Man Singh Bahadur,
Rao Sheo Dhyan Singh Sahib,
Rai Indra Narayan,
Raja Kali Charan Misra,
Chaudhri Sardar Singh,
Babu Gendan Lal,
Thakur Hanuman Singh,
Raja Indrajit Pratap Bahadur Sahi,
Sardar Birpal Singh,
Rai Kunwar Dillipat Shah Bahadur,
Mr. K. P. Singh,
Rai Raja Ragho Prasad Narayan Singh Bahadur,
Rai Rajeshwar Bali,
Mirza Muhammad Sajjad Ali Khan,
Saiyid Janab Ahmad,
Qazi Muhammad Hashim,
Lieut. Kunwar Jamshed Ali Khan,
Khan Bahadur Kunwar Inayat Ali Khan,
Khan Bahadur Chaudhri Amir Hasan Khan,
Munshi Ata-at-Maud Khan Mujibee,
Mr. Zafar Husain,
Nawabzada Muhammad Yusuf,
Khan Bahadur Shah Badre Alam,
Khan Sahib Hakim Nawab Ali Khan,
Mr. Jafer Hosain,
Khan Bahadur Muhammad Zahur-ud-din Khan,
Lieut. Shaikh Shahid Husain,
Raja Sir Saiyid Abu Jafar,
Thakur Nawab Ali Khan,
Thakur Jagannath Bakhsh Singh.

The motion was accordingly adopted.

The Hon'ble Pandit Jagat Narayan: Even then I oppose the amendment of Thakur Hanuman Singh.

Thakur Hanuman Singh: Whether the word "actual" remains or not, my purpose will be served if "estimated income" remains. The Hon'ble Minister has been pleased to say that house-owners in the municipal areas have to pay taxes. I say that there is much difference between those who are living in the rural areas and those who are living in the urban areas. In the rural areas people are generally poor, but sometimes they manage to get some decent houses for their residence. If they happen to whitewash their houses, the attention of those who will be entrusted with the work of taxing people will at once be attracted to all such houses whether the income of the owners be up to the amount prescribed by law for assessment or not. It is to avoid such cases that I have brought my amendment. I hope the honourable members in this House who are acquainted with the condition of the owners of buildings in rural areas will support me in having this amendment carried in this House. That will save many persons in rural areas from over-taxation. In some cases it may prove a very great hardship. With these few remarks I press my motion.

The amendment was put and the Council divided as below :—

Ayes (38).	*Noes* (35).
Raja Kali Charan Misra,	Thakur Jagannath Bakhsh Singh,
Pandit Govind Sahai Sharma,	Rai Vikramajit Singh Bahadur,
Khan Bahadur Sardar Rahimdad Khan,	Pandit Gokaran Nath Misra,
Khan Bahadur Chaudhri Amir Hasan Khan,	Rai Ravinandan Prasad Bahadur,
Mr. Zafar Husain,	Lala Shadi Ram,
Khan Bahadur Kunwar Inayat Ali Khan,	Major D. R. Ranjit Singh,
Lieut. Kunwar Jamshed Ali Khan,	Rai Man Singh Bahadur,
Thakur Hanuman Singh,	Pandit Iqbal Narayan Gurtu,
Babu Gendan Lal,	Rai Sita Ram Sahib,
Mr. D. C. Banerji,	Chaudhri Mukhtar Singh,
Mr. K. P. Singh,	Lieut. Rai Kunwar Nand Lal Bahadur,
Rai Mashal Singh Bahadur,	Rai Kishori Lal Sahib,
Raja Indrajit Pratap Bahadur Sahi,	Babu Gur Sahai,
Rai Raja Ragho Prasad Narayan Singh Bahadur,	Pandit Soti Vishnu Swarup,
Raja Sir Saiyid Abu Jafar,	Rai Sheo Charan Lal Sahib,
Major Kunwar Shamsher Bahadur Singh,	Rai Daya Shankar Sahib,
Rai Rajeshwar Bali,	Chaudhri Sher Singh,
Raja Raghuraj Singh,	Munshi Narayan Prasad Ashthana,
Khan Bahadur Shah Badre Alam,	Pandit Nanak Chand,
Sardar Birpal Singh,	Pandit Hirday Nath Kunzru,
Rai Indra Narayan,	Mr. A. B. Reid,
Mahant Parmanand Gir,	The Hon'ble Pandit Jagat Narayan,
Thakur Manak Singh,	Mr. G. B. F. Muir,
Rai Gopal Das Sharma Sahib,	Lieut.-Col. A. W. R. Cochrane,
	Mr. A. H. Mackenzie,
	Mr. S. H. Fremantle,
	Mr. F. F. R. Channer,
	Mr. H. de L. Ross,
	Mr. C. M. King,

Ayes (38).

Lieut. Raja Hukm Tej Pratab Singh,
Khan Bahadur Muhammad Zahur-ud-din Khan,
Mr. Jafer Hosain,
Mirza Muhammad Sajjad Ali Khan,
Saiyid Janab Ahmad,
Munshi Ata-at-mand Khan Mujibee,
Rao Sheo Dhyan Singh Sahib,
Chaudhri Sardar Singh,
Thakur Nawab Ali Khan,
Khan Sahib Hakim Nawab Ali Khan,
Raja Muhammad Ejaz Rasul Khan,
Nawabzada Muhammad Yusuf,
Lieut Nawab Muhamuad Ahmad Said Khan,
Qazi Muhammad Hashim.

Noes (35).

Mr. G. B Lambert,
Mr. L. S White,
Mr. R. Burn,
The Hon'ble Mr. C. Y. Chintamani,
Mr. H. M. Leake,
Mr. A. C. Verrières.

The amendment was accordingly adopted.

The second part of this amendment viz. to add the figure and brackets "(2)" after the word "explanation" in line 16, was put and adopted.

Mr. C. M. King: I move that in sub-clause (*d*)(1) of clause 115 for the words "India Income-tax Act, 1918" the words "Indian Income-tax Act, 1922" be substituted and in the margin for the words "VII of 1918" the words "XI of 1922" be substituted. The amendment is necessary as the former Act has been repealed and has been replaced by the Act of 1922.

The amendment was put and adopted.

Mr. G. B. F. Muir: I beg to move that the following paragraph be added to clause 115 of the Bill at the end of the explanation:—

"Nothing in clause (2) of this explanation shall be deemed to exclude income on which any tax has previously been imposed in a notified area under clause (*b*) of sub-section (1) of section 338 of the United Provinces Municipalities Act, 1919, from 'taxable income.'"

The object of this addition is to make it clear as to what is the existing intention of this clause, namely, that a person residing within a notified area as defined in the United Provinces Municipalities Act, 1916, will not be exempt from taxation under the District Boards Act on circumstances and property. It is further the intention of the Government to overhaul the constitution of notified and town areas so as to confine their activities to services of a local nature, such as sanitation, lighting, etc., while services, which are of a general nature and appertain to the district as a whole, such as education, roads and medical relief, will be discharged by the District Boards.

The motion was put and adopted.

The motion that section 115, as amended, do stand part was put and adopted.

CLAUSE 116.

Thakur Hanuman Singh: I rise to move that in line 6 of clause 116 of the Bill, after the word "may," the word "raise loan" be added, and the remaining portion of the section including the proviso be deleted.

My object in moving this amendment is not to give the District Boards any further power of taxation with a view to subsidize and help such locomotives as are mentioned in the first part of the section. I may say that taxation in general will not be taken favourably by the people residing in rural areas, and any further taxation, therefore, may prove the last straw on the camel's back. If, however, there be any necessity of subsidizing any railways, tramways or ropeways, the Boards may be authorized to raise loan with the sanction of the Government and on the condition that they would have to pay it off from the proceeds of such railways, tramways or ropeways. The cultivator and the zamindars should not be taxed on that account. If such power of taxation is conferred on the District Boards, my submission is that they are likely to abuse it. I would, therefore, request my honourable colleagues in this House not to give them this additional power of taxation.

The Hon'ble Pandit Jagat Narayan: Under Act IX of 1914 every local body is authorized to raise loans, and therefore it is not necessary that a provision of that sort should be made in the present Bill. In Act IX of 1914 it is laid down that a local authority may, subject to the prescribed conditions, borrow on the security of its funds, or any portion thereof, for any of the following purposes, namely, the carrying out of any new works which it is authorized to carry out. A reference to sections 92 and 93 of the Act will convince my friends that the financing of ropeways, tramways and the improvement of communications is one of the duties which have been laid on the district boards. Therefore so far as the amendment with regard to the taking of loans is concerned, the district boards have already got that power under Act IX of 1914. I may inform the Council that this section will remain a dead letter. I do not know why my friend is so suspicious of the district boards. The district boards are not likely to tax themselves. But if a board be enterprising enough to start tramways or light railways, why deprive it of the power proposed to be given by this section. It is not clear to me why there is so much distrust of the new district boards, which will come into existence under the constitution provided by this Act. However, I leave the matter to the vote of the Council, and I hope the Council will exercise a sound judgment and allow this power to remain in the hands of the district boards. There is not the least possibility of this power being abused. Moreover, all the District Boards Acts, such as those of the Central Provinces and Bombay, have got this provision whereby they have authorized local bodies to tax themselves, if they choose to do so, for the purpose of tramways and light railways.

Thakur Hanuman Singh: The Hon'ble Minister says that the boards should be given power to levy taxes for carrying out the responsibilities and duties which this Act imposes on them. Well, they should be given power but not such excessive power of raising taxes, which the people cannot conveniently pay. It was only the other day that the zamindar members of this Council fought tooth and nail when there was a proposal to impose a tax under section 109 on them

and their tenants. How can that tax be further raised by 2½ per cent.? We all voted for 6½ per cent. and for that amount only. Now by this section, that 6½ per cent. is to be raised to 9 per cent . . .

The Hon'ble the President: The honourable member has already told us that. He is now replying.

Thakur Hanuman Singh: There is no question of suspicion of the board; but when one has these powers, he is likely to misuse them at times. Those Boards which will be very enterprising as the Hon'ble Minister has remarked, may be authorized to raise loans and pay from the proceeds of profits of the schemes which they put into operation.

With these remarks I again request the honourable members to take this matter seriously into consideration.

The amendment was put and the Council divided as below:—

Ayes (37).

Rai Kunwar Parmanand Bahadur,
Sardar Birpal Singh.
Rai Mashal Singh Bahadur,
Major Kunwar Shamsher Bahadur Singh,
Qazi Muhammad Hashim,
Rai Indra Narayan,
Rai Raja Ragho Prasad Narayan Singh,
Chaudhri Sher Singh,
Pandit Govind Sahai Sharma,
Kunwar Jagdish Prasad,
Thakur Jagannath Bakhsh Singh,
Khan Bahadur Chaudhri Amir Hasan Khan,
Mr. K. P. Singh,
Rai Kunwar Dillipat Shah Bahadur,
Thakur Hanuman Singh,
Mr. Muhammad Afzal,
Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Khan Bahadur Sardar Rahimdad Khan,
Rao Sheo Dhyan Singh Sahib,
Raja Kali Charan Misra,
Lieut. Raja Hukm Tej Pratab Singh,
Nawabzada Muhammad Yusuf,
Saiyid Janab Ahmad,
Munshi Ata-at-mand Khan Mujibee,
Chaudhri Sardar Singh,
Khan Sahib Hakim Nawab Ali Khan,
Khan Bahadur Shah Badre Alam,
Raja Muhammad E'jaz Rasul Khan,
Thakur Nawab Ali Khan,
Khan Bahadur Muhammad Zahur-ud-din Khan.

Noes (33)

Pandit Soti Vishnu Swarup,
Babu Gur Sahai,
Rai Daya Shankar Sahib,
Lieut. Rai Kunwar Nand Lal Bahadur,
Rai Kishori Lal Sahib,
Rai Sita Ram Sahib,
Pandit Hirday Nath Kunzru,
Munshi Narayan Prasad Ashthana,
Pandit Iqbal Narayan Gurtu,
Pandit Baijnath Misra,
Major D. R. Ranjit Singh,
Rai Ravinandan Prasad Bahadur,
Babu Gendan Lal,
Rai Gopal Das Sharma Sahib,
Rai Vikramajit Singh Bahadur,
Pandit Gokaran Nath Misra,
Mr. L. S. White,
Mr. C. M. King,
Mr. H. M. Leake,
Mr. F. F. Sladen,
Lieut.-Col. A. W. R. Cochrane,
Mr. G. B. F. Muir,
Mr. A. B. Reid,
Mr. A. H. Mackenzie,
Mr. A. C. Verrières,
Mr. R. Burn,
The Hon'ble Mr. C. Y. Chintamani,
The Hon'ble Pandit Jagat Narayan,
Mr. G. B. Lambert,
Mr. H. S. Crosthwaite,
Mr. H. deL. Ross,
Mr. F. F. R. Channer,
Mr. S. H. Fremantle.

Ayes (37). *Noes* (33).

Mirza Muhammad Sajjad Ali Khan,
Mr. Masud-uz-Zaman,
Mr. Jafer Hosain,
Raja Raghuraj Singh,
Raja Sir Saiyid Abu Jafar,
Lala Shadi Ram,
Mr. H. David.

The motion was accordingly adopted

Thakur Jagannath Bakhsh Singh: I move, Sir, that clause 116 do not stand part of the Bill. I further move that the clause be deleted.

In doing so I am fully aware that this clause or a similar clause exists in the provinces of Bombay, Madras and perhaps Bihar also. At least in our own province a similar provision has been in existence and is in existence in Act I of 1914, i.e. the Local Rates Act. Just at this moment, I am glad to notice that the Government in view of the passing of the last amendment, is inclined to accept mine. It is simply fortunate and I shall therefore not enlarge my arguments until I have occasion to reply.

The Hon'ble Pandit Jagat Narayan: In view of the fact that the amendment which has just been carried has no meaning whatsoever, I am compelled to accept this amendment.

The motion that clause 116 do stand part was put and negatived.

CLAUSE 117(1).

Mr. K. P. Singh: I move that in sub-clause (1) of clause 117 of the Bill after the word "resolution" the following words be added "passed by a majority of two-thirds of the members present."

I have strong reasons for moving this amendment, because the taxation clause has been passed and the board has been given power to impose the tax themselves. In regard to the constitution of the boards, I am sure that the number of tenants and zamindars on the present boards and on the boards of the future will be very few. Therefore, to safeguard their interests, I have proposed this amendment and I would urge that it be accepted by this House.

I have nothing further to add.

Rai Kunwar Parmanand Bahadur: I rise to support most wholeheartedly the amendment put forward by the honourable member from Fyzabad. We have now arrived at the stage when there is no question of contest as to whether any increase in taxation should or should not take place We have also gone beyond the stage as to what the extent of this taxation should be. We are now at the stage where we want to make sure that all the wisdom that can be brought to bear on questions relating to taxation be brought to bear upon them. We are anxious to secure as many opinions of members of District Boards as possible on taxation questions. What we want to prevent is that a few members in the absence of the majority of their colleagues should be able to deal with an important question like one relating to taxation. The House has already accepted the position that for some time District

Boards will need caution, and their powers have been brought under restraint. I mean that for certain class of matters to be dealt with by boards, a special resolution has been insisted upon. No question is more important in the whole of this Bill than the question as to how and under what circumstances and to what extent any increase in taxation is to take place. In order to guard against mistakes on this question and to do all we can to prevent mistakes, it is now proposed that members present at a meeting of the board at which the question of taxation has to be discussed should not be less than two-thirds.

With these words I give my hearty support to the amendment put forward by the honourable member from Fyzabad.

The Hon'ble Pandit Jagat Narayan: I rise to oppose the motion very strongly. First of all, my honourable friend Kunwar Parmanand said in the earlier part of the debate, that he would be consistent throughout the debate. I do find that both Mr. K. P. Singh and Kunwar Parmanand are consistent and their consistency consists in the fact that they are doing their best to make the imposition of taxation impossible. In the second place, I believe that Kunwar Parmanand has not understood the meaning of the amendment moved by Mr. K. P. Singh. He never said two-thirds of the members of the board, he only said two thirds of the members present. Therefore my friend was absolutely out of order in supporting him. I submit that if you want that this tax should be imposed then certainly you must appeal to your experience of the attendance of the members at the meetings of these local bodies. If you make this provision you allow a third of the board to determine the fate of the board. Supposing there are 15 members on a board; if six members are determined that no such tax should be imposed they will always be able to carry the day, notwithstanding, as my friend says, all the wisdom being on the side of the majority. I, therefore, maintain that the majority of the members present should be the best judges to decide whether the tax should be imposed or not. They may be tenants or landlords or mahajans, and it is not likely that they will pass such a resolution lightly. Therefore I say that, having regard to our practical experience, if any such proviso is added it will be very difficult for the future boards to carry on the administration.

Rai Kunwar Parmanand Bahadur: I only want to say that I admit that I was under a misapprehension. The amendment refers to two-thirds of the members present and not to two-thirds of the total number of members on a board; but the reasons which I gave apply equally to both and I adhere to the opinion expressed and to the reasons given.

Rai Vikramajit Singh Bahadur: I oppose the motion which has been put forward by my honourable friend from Fyzabad. It is always the majority that rules in a board; and if this motion is carried it means that the majority will be at the will of the minority. If less than one-half of the members wish that no taxation should be imposed, in that case a taxation proposal passed by a bare majority will fail. I think there should be no distrust on the part of members of this Council of the discretion to be exercised by the members of the Board, inasmuch as a safeguard has been provided by this Act, that no tax could be imposed unless and until it is approved by the local Government. Therefore the majority will see the necessity of imposing a tax and then the proposal will come up before the Governmeut and the Government will be in a position

[Rai Vikramajit Singh Bahadur.]

fully to realize whether the tax proposed to be imposed is a sound tax or not. I think this proposal which has been put forward by my honourable friend is merely in the nature of an obstruction and it will be absolutely useless to pass a taxation proposal with this proviso, which is really a clog put on the proposal which has been adopted by this Council. Supposing 12 members are present and five members object to taxation, then there will be no taxation proposal. I submit that this seems to me to be very absurd and unsound in principle and I hope the House will not accept it in view of the fact that a very large majority of the House is in favour of the taxation clauses.

Major Kunwar Shamsher Bahadur Singh: I beg to move an amendment to the amendment 264-F. As imposing taxation is a very important matter I think it is only fair that two-thirds of the members should be present and we should have majority of their opinion in the matter. (Here some honourable members began to speak to the speaker.)

The Hon'ble the President: Honourable members must not converse with other honourable members who are speaking.

Major Kunwar Shamsher Bahadur Singh: That will just give us a chance of getting more views on the point before it is decided to levy the tax. With these words I support the motion.

Mr. Masud-uz-Zaman: I rise to oppose the motion of my honourable friend, because I believe that on principle it is wrong. We shall be putting in the hands of the boards the power to decide matters by a minority. Generally the quorum of boards consists of one-third of the members of the board. This proposal means that a resolution to enforce taxation in a district board will often be decided by two-thirds of the one-third members of the board. I think it will be very wrong thing in principle to allow a board to decide such an important matter by such a small minority or allow such minority to obstruct the work. On the contrary, if a matter is decided by two-thirds of the members of a board it will certainly be a strong majority; and that is the object of placing this restriction on the boards which has been moved by the mover. With these words I oppose the motion.

Pandit Hirday Nath Kunzru: No taxation can be imposed by the board unless a special resolution is passed in favour of it. Now the quorum for an ordinary meeting of the board is one-third of the members. But for a meeting at which any special business is to be transacted it is half—at least half of the members of the board should be present. The fear therefore that only one-third of the members of the board will be able to deal with such an important matter is unfounded. If the board consists of about 30 members at least 15 members must be present to form a quorum. Suppose there are just 16 members present. Now if the motion of the honourable member for Fyzabad is carried it will mean that not less than 11 members out of a total of 16 must vote in favour of taxation before it can be levied. Surely that is placing too much power in the hands of a minority. It is making almost impossible to levy extra taxation. I should have thought that my honourable friends who were opposed to taxation would be content with the safeguard provided by the Council's acceptance of the amendment moved by Thakur Jagannath Bakhsh Singh Sahib that no increase should be made

in the land cess unless the tax on circumstances and property had been in force. That sufficiently protects the landed interests. To put forward a condition of the kind brought forward by the honourable member for Fyzabad is practically to make the imposition of taxation impossible. I admit that his amendment is better than any of the other amendments which stand on the agenda paper. They would render the imposition of extra taxation almost absolutely impossible. His amendment leaves a slight hope. But his object is just the same as that of the other amendments, namely, to interpose as many obstacles in the way of increasing the resources of district boards as he can. We had a long debate yesterday in which the position of district boards was laid before us in detail by the Hon'ble the Finance Member. If we regard his exposition as to their position as sound, if we realize the seriousness of the financial position of the district boards, if we feel that they must have at least 21 lakhs to make up an immediate deficit, then the Council will be stultifying itself if it accepts the amendment of the honourable member for Fyzabad or any other similar amendment. I earnestly hope that in view of the decision arrived at on the main question by the Council the evening before last it would unhesitatingly throw out the amendment.

Nawabzada Muhammad Yusuf: I am sorry I do not see my way to support the motion of my honourable friend, Mr. K. P. Singh. No doubt I fully sympathize with him when he says that a new board might at once enforce the maximum taxation and therefore a certain proportion must be fixed for the number of members to be present who ought to decide such an important question as taxation. But, Sir, have we not already put in sufficient safeguards, have we not interfered enough with the discretion of the board, have we not put in all the necessary checks which could possibly be incorporated? Bearing in mind that after all this board is going to be a representative board, I think if we interfere too much with its discretion, we shall be interfering with its very administration, as has been well said by the Hon'ble the Minister for Local Self-Government. Let us not go too far. We have already deleted the clause which would have empowered the boards to enhance the local rate for the purpose of constructing or subsidizing any tramway, railway, and so on and so forth. A board will not unnecessarily go out of its way to impose taxes unless it feels that they are absolutely necessary. In fact, as has already been pointed out by the quoting of figures, the boards have got to see that the deficiency from year to year is met first. Therefore bearing in mind that we have interfered enough with the discretion of the boards and that the power of taxation given to them is at the minimum figure possible to carry on the administration, I hope this House will not make any further interference with their discretion. What would be the result? By further interference you would be nullifying the effect of all those beautiful things which you have put into the Bill. I have also in mind the other amendments with regard to this matter and not only Mr. K. P. Singh's amendment which is not likely to find much support in this House. I do feel that a strong section of this House thinks that certain proportion ought to be fixed of the total number of members who should be present when the question of taxation is taken up.

With these remarks I oppose the motion of my learned friend, Mr. K. P. Singh.

Mr. Zafar Husain: I am quite unable to agree with the last speaker when he says that by fixing two-thirds as the proportion of members to be present for the purposes of this section there would be some interference with the discretion of the boards. I fail to understand the plea he has put forward. The only point is that if a board desires to impose any tax, a large proportion of the members must be present, the question being so very important. But when he says that if we fix the proportion at two-thirds, then there would be interference, I fail to see the point because in all other cases there will be a proportion at least. If members are not present in sufficient numbers to form a quorum, I would again ask him if this were not the mistake and apathy of the boards. If a board considers that the question is important a large majority of members will attend the meeting and, whatever the quorum, two-thirds, three-fourths or any other proportion, the question will be decided according to the vote of the majority.

The Hon'ble Pandit Jagat Narayan: Is the second amendment formally before the House?

The Hon'ble the President: No. There is only one amendment before the House which was moved.

The Hon'ble Pandit Jagat Narayan: I have a few words to say. I think that my honourable friend, Mr. Masud-uz-Zaman, will support me in what I placed before the Council. Although he has not supported me in so many words, the very first argument that he advanced was a direct support to my contention. He says that the quorum consists in the majority of cases of one-third of the total number of members of the board, that generally speaking only one-third of the members are present and therefore it is not reasonable that one-third of the number of members of the board should be allowed to impose taxation. My contention is based on the state of attendance admitted by him. I say from experience that if it is laid down that two-thirds of the members of the board should be present for the purpose of passing a resolution of taxation, then such a resolution is not likely to be passed for months and months. It is a fact that not more than half are ordinarily present at meetings. It is very difficult to secure the attendance of two-thirds of the members of a board, and therefore if that suggestion is accepted the result would be to nullify the effect of the sections which have been passed the other day. It is urged and admitted that there is an immediate need of taxation, it is admitted that from the 1st of April, 1923, it would be absolutely impossible for the district boards to carry on their work without fresh taxation. I have conceded that the best way of raising funds would be first of all to impose a tax on circumstances and property. It will take not less than six or nine months to materialize, and if this further restriction is imposed the result may be that a few members, at least more than a third of the members of a board who are bent on obstruction, may absent themselves from every meeting. The only penalty that could be imposed on them would be that if they absent themselves from three consecutive meetings they could be removed. Then that power is not daily exercised. Supposing they absent themselves from three meetings, the chairman may not take any notice of their conduct. After six months the Local Government may make inquiries and may exercise the power of removing those members or

asking the chairman to remove them. The practical result of it would be that the imposition of taxation would be obstructed and delayed for months and months. No doubt as a theoretical proposition it appeals to everybody. It sounds very well that if a board consists of 30 persons, at least more than 20 should be present to impose a tax, but from a practical point of view it would be absolutely impossible to carry on the work of the district boards or to impose any taxation if this amendment is adopted. Human nature is human nature. Members may begin to absent themselves. There is enthusiasm when elections take place. The candidates attach great importance to their being elected, but subsequently when it comes to actual day to day administration they very seldom attend. If the object of the amendment is that the taxation clauses be never enforced, then I can understand my honourable friend, but if that is not the real object of my honourable friend, then I think there are sufficient safeguards provided to prevent hasty and unnecessary imposition of taxes; and therefore no reasonable man should be afraid of taxes being imposed by a majority of the members that are present at the meeting.

The Hon'ble the President: From some thing said during the discussion I have been left in some doubt as to the meaning of the motion that I am putting before the Council. The mover proposes to add the words " passed by a majority two-thirds of the members present."

Mr. K. P. Singh: I beg to withdraw my amendment.

Some honourable members objected to the amendment being withdrawn.

The Hon'ble the President: As objection has been taken, the amendment cannot be withdrawn.

Before I put the motion I want to know what exactly the motion is that I am putting from the Chair. There is no punctuation in the motion as it stands " passed by a majority two-thirds of the members present."

The Hon'ble Pandit Jagat Narayan: The words " consisting of " may be put in after the word " majority."

The Hon'ble the President: The Council will allow a correction to be made. The meaning is " by two-thirds majority." So the amendment would read " passed by a majority *of* two-thirds of the members present."

The amendment was put and negatived.

The Council at this stage adjourned for lunch.

After the adjournment the Deputy President took the Chair.

Thakur Jagannath Bakhsh Singh: I move that the following proviso be added to section 117, sub-section (1).

" Provided that such resolution is passed by a vote of not less than two-thirds of the total number of members of the board for the time being."

Before I proceed to point out the importance of imposing additional taxation or tax on circumstances and property I would like to draw the attention of the honourable members to the first thing which I considered before I moved this proviso. It is section 71, sub-section (*a*) of the Bill which is before us. The House will find that

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in dismissing, and not only in dismissing but also for the sake of punishing, the non-official secretary of a board, it has been provided that there will be the support of two-thirds of the members of the board. I therefore, considering that the imposition of taxation is at least no less important a business than merely punishing the secretary of one board, thought that it would be acceptable to the Government if I had copied their own words. The honourable members will find that in the proviso which I am moving at the present time I have copied every comma and every dot of section 71, sub-clause (*a*) except the word "or" which is in the end. I, therefore, need hardly argue the importance of imposing additional taxation on the zamindars and tenants and of imposing a tax on circumstances and property which was so hotly debated in this House the other day and which has got a strong public opinion behind it. Government may not have considered that opinion; I may not have had sufficient time that day to point out the extent of opinion behind the opposition of the additional taxation; but the fact cannot be contradicted. However, I do not want to put that question again today or to reopen those points, but at least I hope it will be admitted on all hands that the imposition of fresh taxation, I mean the additional taxation, at the present time is not a matter of insignificance. I therefore hope, Sir, that the House will support me in this proviso which I have put as a safeguard for the imposition of taxation and which I have simply brought in to show that that board composed of different interests, as it would be, would be taken to have passed that resolution unanimously and that that resolution would have the support of every party represented on that board. That there will be no doubt in the mind of the Government to consider those proposals for taxation when they are brought before it, that it will expedite, it will save time of the Government in sounding public opinion as to the propriety or impropriety of imposing fresh taxation. In reply to the amendment which was moved by the honourable member from Fyzabad, it was pointed out by the members who opposed it that it showed a distrust of the district boards, and that the zamindars intended to clog the passage of this Bill by putting in a proviso of that nature. I would submit, Sir, that it is not a fact. Misunderstandings breed misunderstandings, and sometimes the increase is so enormous that it seriously affects long enduring relationships, as has been the case among honourable members of this august assembly. To use a Sanskrit saying, रज्जुर्यथाहेर्भ्रमः it often turns out that there is the fear of a snake in what is really is a rope. I hope honourable members who do not agree with me in this amendment, would not at least distrust us and say that we are trying to obstruct the passage of the Bill. We are simply trying to safeguard our interests, namely, that taxation should only be imposed when there is a strong public opinion in favour of it, or, to use the words of the proviso, when a resolution to that effect has been passed by a vote of not less than two-thirds of the total number of members of the board for the time being. I therefore appeal to my honourable friends, who have got the fear of a snake, when it is really a rope, that they should see things in the right perspective. With reference to the post of Secretary to the District Board, the Senior Member of the Board of Revenue remarked only the other day that it was not the proper time to have an inexperienced non-official secretary and that it

would be desirable that, at least for some time to come, recruitment might be made from experienced deputy collectors and tahsildars. Further, the Council will observe that in respect of such an inexperienced non-official secretary, a provision has been made in the Bill that he cannot be punished or dismissed unless a resolution to that effect is passed by two-thirds of the members of the district. Now, is it right or proper that in order to impose additional taxation on a vast population in the rural areas, which are the backbone of this country, you should not have the same majority as you have in the case of dismissing or punishing a Secretary? I submit that it is absolutely essential, and I hope my honourable friends will see eye to eye with me in this matter. With these words I place the amendment for acceptance before the House.

The Hon'ble Pandit Jagat Narayan: The honourable mover has supported his amendment by a very eloquent speech. I am sorry that as a practical man I am not prepared to accept it. The principle underlying section 71 is based on different considerations. The object of every one of us is to make these newly constituted district boards a success in order that they may be able to carry on the important duties with which they will be entrusted. The Chairmen of these Boards in the majority of cases will be inexperienced non-officials, and therefore it was thought necessary that the Chief Executive officer of these Boards should be a competent and efficient man. The chief executive head of a municipality is its executive officer. The position of a secretary under the District Boards Bill will be analogous to that of an executive officer in a municipality. The question is—can we secure the services of a competent secretary unless and until we secure the permanency of his tenure? We cannot shut our eyes to facts. We know that even in municipalities there are parties, groups and cliques, and respectable men are afraid of leaving Government service in order to take service under these boards unless and until there is some security for them. Now the chief executive officer of the board must enjoy the confidence of a large majority of the members in order that he may be able to carry on his duties. He should not be at the mercy of any clique or party. For these reasons it was thought necessary that unless a resolution was passed by two-thirds of the members of a board, a secretary could not be punished or dismissed. Here the case is different. I think my friend the mover knows that it is difficult to secure the presence of even 50 per cent. of non-official members in a local body. Take the annual reports of any municipality or district board. In a majority of them you will find that hardly 50 per cent. of the members attend ordinary meetings. Such being the case, what will be the result of accepting this amendment? For months and months there will not be a meeting of the board where more than two-thirds of the members would be present, and the result would be no taxation. How would it be possible for the district boards to manage their affairs? When we passed clause 110, I thought we practically admitted the immediate need for taxation. We further considered that there should be an immediate tax on circumstances and property. We know that our immediate need amounts to more than 21 lakhs of rupees. With all these facts before us, if we accept this amendment, we shall be nullifying the result of the voting which took place on Saturday last. It is my duty to place before the Council the difficulties with which the newly constituted district boards will be face to face. Although there can be no technical objection to the

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in dismissing, and not only in dismissing but also for the sake of punishing, the non-official secretary of a board, it has been provided that there will be the support of two-thirds of the members of the board. I therefore, considering that the imposition of taxation is at least no less important a business than merely punishing the secretary of one board, thought that it would be acceptable to the Government if I had copied their own words. The honourable members will find that in the proviso which I am moving at the present time I have copied every comma and every dot of section 71, sub-clause (a) except the word "or" which is in the end. I, therefore, need hardly argue the importance of imposing additional taxation on the zamindars and tenants and of imposing a tax on circumstances and property which was so hotly debated in this House the other day and which has got a strong public opinion behind it. Government may not have considered that opinion; I may not have had sufficient time that day to point out the extent of opinion behind the opposition of the additional taxation; but the fact cannot be contradicted. However, I do not want to put that question again today or to reopen those points, but at least I hope it will be admitted on all hands that the imposition of fresh taxation, I mean the additional taxation, at the present time is not a matter of insignificance. I therefore hope, Sir, that the House will support me in this proviso which I have put as a safeguard for the imposition of taxation and which I have simply brought in to show that that board composed of different interests, as it would be, would be taken to have passed that resolution unanimously and that that resolution would have the support of every party represented on that board. That there will be no doubt in the mind of the Government to consider those proposals for taxation when they are brought before it, that it will expedite, it will save time of the Government in sounding public opinion as to the propriety or impropriety of imposing fresh taxation. In reply to the amendment which was moved by the honourable member from Fyzabad, it was pointed out by the members who opposed it that it showed a distrust of the district boards, and that the zamindars intended to clog the passage of this Bill by putting in a proviso of that nature. I would submit, Sir, that it is not a fact. Misunderstandings breed misunderstandings, and sometimes the increase is so enormous that it seriously affects long enduring relationships, as has been the case among honourable members of this august assembly. To use a Sanskrit saying, रज्जुर्यथाहेभ्रमः it often turns out that there is the fear of a snake in what is really is a rope. I hope honourable members who do not agree with me in this amendment, would not at least distrust us and say that we are trying to obstruct the passage of the Bill. We are simply trying to safeguard our interests, namely, that taxation should only be imposed when there is a strong public opinion in favour of it, or, to use the words of the proviso, when a resolution to that effect has been passed by a vote of not less than two-thirds of the total number of members of the board for the time being. I therefore appeal to my honourable friends, who have got the fear of a snake, when it is really a rope, that they should see things in the right perspective. With reference to the post of Secretary to the District Board, the Senior Member of the Board of Revenue remarked only the other day that it was not the proper time to have an inexperienced non-official secretary and that it

would be desirable that, at least for some time to come, recruitment might be made from experienced deputy collectors and tahsildars. Further, the Council will observe that in respect of such an inexperienced non-official secretary, a provision has been made in the Bill that he cannot be punished or dismissed unless a resolution to that effect is passed by two-thirds of the members of the district. Now, is it right or proper that in order to impose additional taxation on a vast population in the rural areas, which are the backbone of this country, you should not have the same majority as you have in the case of dismissing or punishing a Secretary? I submit that it is absolutely essential, and I hope my honourable friends will see eye to eye with me in this matter. With these words I place the amendment for acceptance before the House.

The Hon'ble Pandit Jagat Narayan: The honourable mover has supported his amendment by a very eloquent speech. I am sorry that as a practical man I am not prepared to accept it. The principle underlying section 71 is based on different considerations. The object of every one of us is to make these newly constituted district boards a success in order that they may be able to carry on the important duties with which they will be entrusted. The Chairmen of these Boards in the majority of cases will be inexperienced non-officials, and therefore it was thought necessary that the Chief Executive officer of these Boards should be a competent and efficient man. The chief executive head of a municipality is its executive officer. The position of a secretary under the District Boards Bill will be analogous to that of an executive officer in a municipality. The question is—can we secure the services of a competent secretary unless and until we secure the permanency of his tenure? We cannot shut our eyes to facts. We know that even in municipalities there are parties, groups and cliques, and respectable men are afraid of leaving Government service in order to take service under these boards unless and until there is some security for them. Now the chief executive officer of the board must enjoy the confidence of a large majority of the members in order that he may be able to carry on his duties. He should not be at the mercy of any clique or party. For these reasons it was thought necessary that unless a resolution was passed by two-thirds of the members of a board, a secretary could not be punished or dismissed. Here the case is different. I think my friend the mover knows that it is difficult to secure the presence of even 50 per cent. of non-official members in a local body. Take the annual reports of any municipality or district board. In a majority of them you will find that hardly 50 per cent. of the members attend ordinary meetings. Such being the case, what will be the result of accepting this amendment? For months and months there will not be a meeting of the board where more than two-thirds of the members would be present, and the result would be no taxation. How would it be possible for the district boards to manage their affairs? When we passed clause 110, I thought we practically admitted the immediate need for taxation. We further considered that there should be an immediate tax on circumstances and property. We know that our immediate need amounts to more than 21 lakhs of rupees. With all these facts before us, if we accept this amendment, we shall be nullifying the result of the voting which took place on Saturday last. It is my duty to place before the Council the difficulties with which the newly constituted district boards will be face to face. Although there can be no technical objection to the

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amendment which has been moved by my friend, still the fact that the former amendment moved by the member from Fyzabad was rejected by the Council shows clearly that this amendment cannot be accepted. It will certainly obstruct the proceedings of the board and make nugatory all the taxation clauses that we have passed. With these words I oppose the amendment.

Rai Thakur Mashal Singh Bahadur: Yesterday I gave my whole-hearted support to the amendment of my friend Thakur Jagannath Bakhsh Singh, because it was a reasonable safeguard in the interests of the zamindars and tenants, but today it is my painful duty to oppose the amendment moved by him. He says that his amendment is not a snake but a rope. Taking the same metaphor, I would say that the snake has passed away, and now it is useless to strike the marks left by it on the dust. When you have accepted the principle that the district boards should be given power to tax themselves, I do not think it is necessary that we should put another obstruction in the way of these boards. When you have once swallowed a camel, it is useless to hesitate in swallowing a gnat. But I think the amendment has been moved simply because it is in consonance with the principles of some of the honourable members. To quote a Sanskrit proverb—

अङ्गारः शतधौतेन मलिनत्वं न मुञ्चति ।

You cannot change your colour, even if you wash it with thousands of cakes of soap. In my opinion this safeguard is stiffer and harder than that proposed by my honourable friend from Fyzabad, and if that safeguard was considered to be obstructive by the honourable members of this House, I think they are quite justified in rejecting this amendment, which has been moved by my friend Thakur Jagannath Bakhsh Singh.

Pandit Gokaran Nath Misra: I rise to oppose the amendment which has been moved by my friend Thakur Jagannath Bakhsh Singh. The day before yesterday, after a heated discussion lasting over several hours, we passed in this House those sections of this Bill which related to the question of additional taxation. The majority with which it was passed was one which might be considered to be a very substantial majority indeed. Today in the earlier part of the day we rejected a motion which was moved by an honourable member of this House asking that if the proposal with regard to additional taxation was not passed by a majority of two-thirds of the members being present, it should not be considered to have been effectively passed. With these two decisions of this House it appears to me that if we are going to accept this amendment, then we can safely be said to be stultifying ourselves. Let us honestly now accept the decision of the House which was arrived at with such a great majority the day before yesterday. If we have now, after discussion agreed that in order to carry on the administration of the district boards it is absolutely necessary that they must impose additional taxation, the limit of which has also been determined by this Council, it is but fair and proper to ask this House that no further obstacle should be thrown in the way of the district boards to carry on their administration from day to day. Let us now realize for ourselves as practical men, what would be the position if this motion is accepted.

Such of us who have been members of the municipal boards, and I suppose such of us as have been members of the district boards, realize how difficult it is to get more than half the members of the board to be present at the ordinary meetings of the board. Consequently when the matter was discussed in the Select Committee, it was considered to be a sufficient safeguard that if the resolution with regard to taxation was to be passed by a special resolution of the board, which really meant that at least more than half of the members of the board were present at the meetings of the board, that was considered to be a sufficient safeguard. Then you have got another additional safeguard in this very Bill and that is that no taxation will be levied until it has received the sanction of the Local Government. I suppose the Local Government is an impartial authority and will be able to look at the question not from an interested point of view. Even if some members of the board may be in favour of taxation against the opinion generally prevailing in the district which they represent, the Local Government will always be able to decide for itself whether public opinion is in favour of that taxation or whether the circumstances are such that they would not justify it sanctioning that additional taxation. That I suppose will ensure that a safeguard is there, which can be considered to be a very effective safeguard. If therefore we have got one safeguard in the shape of a special resolution, if we have got another safeguard in the shape of the previous sanction of the Local Government, I think there is nothing to fear from those district boards, and all those persons who are to be taxed need not fear at all.

Then I think inherently there is a third safeguard. Many of the members of this honourable House remarked the day before yesterday that all those who will constitute the district boards will be either the representatives of the tenantry or the representatives of the landed class. These will be the persons who will constitute the district boards and the persons who are to be taxed are the tenants and the landlords. Is it ever reasonable to expect that any person will easily be in favour of taxing himself unless he feels that there is necessity for it? Consequently, if the majority of the members of a particular board—if more than half of them—are present and the majority of them decide that in the interest of the board it is necessary that fresh taxation ought to be imposed, I think it will be the decision of those very people who are to be affected by that decision, and it will not be with a light heart that they will come to such a decision. It, therefore, appears to me that there is no ground, as was remarked the other day, for suspicion and distrust. How long are we to carry on that suspicion and distrust? Whom is the honourable mover of this motion distrusting or suspecting? Is it those very persons on the board who are going to tax themselves? I think there is no reason for that suspicion and distrust. Then I would place this example before this House. Supposing a district board consists of 16 members and it is said that the majority of two-thirds of the members of the board must pass the motion with regard to additional taxation. Then it is clear that 11 members must pass that motion. There are always people who want to defeat the good administration of a particular local institution. Supposing such persons, for reasons known to themselves only, choose to absent themselves from the meeting of the district board when the question of additional taxation is to be considered; then it would be impossible to come to a decision.

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Only four or five members will absent themselves and the result will be that we shall not be able to pass this additional taxation, as pointed out by the Hon'ble the Minister. Let us take the example of this House. This House consists of 123 members, of which 25 form the quorum. No rule has been laid down, no restriction has been imposed that if a motion with regard to taxation is passed when only a bare quorum is present then that resolution would be ineffective. If, therefore, a resolution with regard to taxation can be passed by the honourable members of this House when rather less than one-fourth of the members are present for the entire province, then it appears to me that the condition asked for is altogether unjust and unwarranted. Again, supposing a matter is very important and a condition is laid down in the rules relating to the working of this honourable House that no resolution is passed with regard to an important matter unless a majority consisting of two-thirds of the members agrees to that resolution It appears to me that it will be impossible to pass that resolution because our attendance never exceeds 80 or 90 and it is impossible to procure a majority of 80. Therefore what is impossible in the case of the Legislative Council will be more impossible in the case of district boards. Consequently there is no ground for entertaining that fear, and it appears to me an altogether impracticable proposition. It also appears to me that it is going directly against what the decision of the Council has been this morning and the day before yesterday.

With regard to dismissal of Government servants the matter stands on a different footing altogether. As has been rightly observed by the Hon'ble the Minister, it secures uniformity of the administration and it avoids the effect of the formation of particular cliques. It is with that intention that the clause has been introduced. May I remind the House that if a member of one of the Imperial services is dismissed, then the sanction of the Secretary of State has to be obtained. It is not that the power has not been given to the honourable members of this House: it will be given if all of them will vote for it. But it seems to me that certain members or certain servants of the district board stand altogether on a different footing from the question of imposing additional taxation. If the motion of the honourable member is passed then I should say we had better wipe off the taxation clause which has been introduced in this Bill. Therefore I feel that the honourable members of this House will not be justified in according their support to the amendment.

Major D. R. Ranjit Singh: There is a lot of business to be gone through: therefore I will not waste the time of the Council. I oppose the motion of the honourable the representative for the British Indian Association

Rai Kunwar Parmanand Bahadur: When I was listening to my honourable friend, the member from Lucknow, I felt that by the time he finished the question of distrust and suspicion would have disappeared altogether. His observations have been concluded and what do they come to? Suspect the motives, distrust the motives of those who put forward the amendment before the House, but do not distrust the members of the district board. No: distrust also the minority as capable of

dishonestly defeating the object of the majority. There is no question of distrust: none of suspicion. On the facts as stated by the Hon'ble the Minister for Local Self-Government who is in a position to speak from personal knowledge of the attendance of members in municipalities and their other conditions what is the position? He says there are various groups: there are various parties in municipal boards and there are various parties in district boards. According to him it is very difficult to secure the presence of all the members. These are the facts. Members do not attend: members are not guided in giving their opinions by their honest convictions with regard to the questions that come before them. They allow their minds to be influenced by party factions, by party views. Well then, is there not all the more reason why we should insist upon the condition that when a question of taxation is taken up it should not be decided by the members of one group or by the members of one party. The larger the number of members on whose presence we insist before any question relating to taxation is taken up, the greater the safeguard against the possibility of the power being abused. The motion put forward is nothing but a safeguard to protect the interests of those who have to pay taxes. If there is anxiety on the part of the members who have been against increased taxation it is a very natural and proper one. The greater the burden that is imposed on us the greater necessarily would be our desire for sufficient safeguards. I submit, Sir, that in the present conditions of the municipal and district boards—which conditions, notwithstanding the new law that we are giving them to work under, will continue, viz., want of experience, want of business capacity and want of efficiency—it is desirable that certain safeguards in important matters should be provided. It was thought necessary to provide for certain safeguards in connection with the appointment and dismissal of a secretary. The point is that the existence of safeguards and restrictions on the powers of district boards show that this House and the Government are not prepared to place complete confidence in these bodies yet. They are not to reduce taxes, they are not to levy taxes beyond a certain limit—all this goes to show that it has been considered necessary that for some time to come district boards must be controlled. And one of the rules which we want to be added is that whenever they come to deal with the question of levying fresh taxation the members should be good enough to be present in certain numbers and confer together. If they are not willing to come together to discuss even such an important matter as the imposition of fresh taxation, if their presence cannot be secured on even such an occasion—if it is mainly because of the difficulty likely to be experienced in securing the presence of members in sufficient numbers that this motion is being opposed, I ask whether it can be said that district boards should be entrusted with the large, and almost unlimited, powers which this House was pleased to confer on them the day before yesterday?

Pandit Gokaran Nath Misra: Not unlimited.

Rai Kunwar Parmanand Bahadur: I feel, Sir, that the point that boards cannot be wholly trusted for some time to come has been admitted in more than one way; therefore, if taxes are not to be improperly levied, this limitation should be inserted in the Bill, that no meeting of the district board at which two-thirds of the members of the

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board for the time being are not present would be authorized to deal with questions relating to imposition, reduction or levy of taxes.

It was said that a similar amendment, similar in its effect, has not been accepted by the House, and an inference has been drawn which, I submit, is an incorrect inference. It has been said that the amendment moved by my honourable friend from Fyzabad has not been accepted by the House; and that therefore it follows that it is not likely that the House will accept this amendment. May it not be, Sir, that that amendment was not accepted because it did not go far enough? It required that two-thirds of the members present should vote and this amendment requires the presence of two-thirds of the total number of members of the board for the time being. To draw any inference of this kind is to indirectly influence the vote of the House. I think the House should be left absolutely free to deal with the question. This is a stronger safeguard than the one proposed by my honourable friend from Fyzabad.

The Hon'ble Pandit Jagat Narayan: I move that the question be now put.

Thakur Jagannath Bakhsh Singh: Have I no right of reply, Sir?

The Deputy President: The question has been sufficiently discussed and I now call upon the mover to reply.

[During the reply the Hon'ble the President resumed the Chair.]

Thakur Jagannath Bakhsh Singh: From the speeches that have been made after I delivered my moving speech I gather that there is no new point for me to reply except the same point of suspicion and safeguard. With regard to the point of suspicion I may only reply in a few words. Government is always quite right in suspecting people, for its position in the world is more or less similar to that of Raja Indra in our own Shastras. We have been taught that when any Rishi or ascetic performs any penance to get rid of this world he is suspected by Indra that that person wants his Indrasan. And so Indra interferes and spoils the whole penance. Similarly we have come here to serve our community and to learn the constitutional practice that has been given to this country by England which has tested the democratic system for centuries. We are now trying that democratic system. We simply want to learn it. Those who work hard in the interest of their community and those who wish to safeguard the interest of their community, if they are suspected by Government then surely we have no complaint to make. But the complaint that we have to make is that we find that our own friends are suspecting us. The complaint that we have is that we see that each and every one of them aspires to rise to a pedestal, the same pedestal as to which he suspects the others. When these friends raise their voice of suspicion, to them I will only refer to the couplet of Hitopadesha: —

व्याघ्र चर्म्म परिच्छन्नो वाकते रासभोहतः ।

I do not know what authority my honourable friend from Hardoi has in quoting his Sanskrit verse. But I quoted in my previous speech from the greatest authority in the Sanskrit world, Veda Vyas. And again I quote another verse from the same authority and appeal to my

friends who do not agree with us. I would tell them in the words of the Sanskrit verse :—

परेषु प्रतिपन्नेषु पञ्चोत्तर शतम् वयम्

"We may be in two groups—one of five and the other of one hundred; but that should be for our own purposes. We should have a united front before another body and there we ought to be one hundred and five."

About the safeguard, Sir, it is a matter of opinion. I think that if there are two safeguards, one when the board is to call a special meeting to pass a resolution and the other when it will be submitted to Government, it is necessary to consider also whether these two safeguards are sufficient. It is a matter of opinion whether there should be a third one or not. I put it before the House that there should be another safeguard, a third one—and if possible a fourth one also. That I do say, Sir, is clear. I point out to the House that this taxation clause which has been fought tooth and nail may be by a majority or by a minority. But fight there was in truth. The taxation clause is not supported by the public which is to pay. My reasons are, Sir, that the British Indian Association, the taluqdars' body, unanimously passed a resolution that no taxation should be supported by its representatives. The Muzaffarnagar Association of Zamindars passed another resolution that it should not be supported.

Rai Thakur Mashal Singh Bahadur: I rise to a point of order, Sir. The honourable member is again discussing the taxation question which has already been finished.

The Hon'ble the President: The honourable member will confine his remarks to replying to the points raised by other speakers.

Thakur Jagannath Bakhsh Singh: My point is "should there be another safeguard"?

The Hon'ble the President: I hope the honourable member will confine himself to a reply.

Thakur Jagannath Bakhsh Singh: My point is simply this : whether there should be another safeguard or not. I am just trying to put forward arguments to maintain my point that there should be another safeguard. For the sake of establishing this point I am referring the House to different opinions on the subject. I do submit that the taxation clauses that have been passed require a safeguard and yet another safeguard, because Government has ignored public opinion. The taxation clauses have been passed by a majority surely, but that majority is not the majority of the electors who sent them. If my honourable friends who had taken the trouble of touring in the districts of Oudh and feeling the pulse of the rural population when the Oudh Rent Bill was before us, would have again visited the districts of Oudh, they would surely have been assured by those who told them at the time of the Oudh Rent Bill that they would not pay nazrana, that they would not like to be ejected, that they would not like to be taxed also.

The Hon'ble the President: I have already asked the honourable member to confine himself to a reply. He is now entering upon a subject which I am perfectly confident the Hon'ble the Minister could not have referred to.

The Hon'ble Pandit Jagat Narayan : Not a single word of it.

The Hon'ble the President : I would ask the honourable mover again to confine himself very strictly to the points raised in the course of the discussion.

Thakur Jagannath Bakhsh Singh : My only points were two. If you consider, Sir, that I am not relevant, I bow to your decision. I take you, Sir, as an authority in this House.

I shall refrain from bringing any other arguments forward. I have put before the House the general public opinion about this matter. If that safeguard is necessary for punishing the secretary of a board, I would submit, Sir, that it is doubly necessary in the case of additional taxation which will affect the pockets of the poor who hardly get two meals a day.

With these few words I would ask the Government to reconsider the position.

The Hon'ble Pandit Jagat Narayan : I will be very brief, Sir. From the time that this Bill has come before the Council I have studiously avoided saying anything which might hurt the feelings of any of my honourable friends, and although I have been very strongly tempted by the speech of my honourable friend to expose him, I will not do so. I think my honourable friend will agree with me that what is urged by him today would have exactly applied to the case of the Rent Bill when that Bill was under discussion. However, I will not discuss that point. The only way in which I can persuade the members of this Council is by argument I am not well versed in other ways and I am not going to have recourse to those ways. My honourable friend, Kunwar Parmanand Sahib, said that the opinion of the members of the board should not be influenced by anything that was done by this House. That in my opinion is the only proper and legitimate way of doing it. At least I know only of this way. If there are any other ways of persuading the members of this House, I am not going to have recourse to them.

Lastly about consulting public opinion. If my honourable friend would have taken the trouble of reading the provisions of the Bill, he would have found that the mere fact of passing a resolution is not enough. There are sections which provide that the proposals be published, that objections of the public be invited, that within a certain period such objections be filed, that objections be heard and considered, and lastly the whole thing be placed before the Government. So far as the question of consulting public opinion is concerned, there are any number of safeguards provided by the Bill.

With these words I request the honourable members of this House to reject the amendment.

The amendment was put and the Council divided as below :—

Ayes (16).	*Noes* (54).
Kunwar Jagdish Prasad,	Mr. K. P. Singh,
Khan Sahib Hakim Nawab Ali Khan,	Thakur Hanuman Singh,
Pandit Govind Sahai Sharma,	Mr. H. David,
Thakur Jagannath Bakhsh Singh,	Rai Ravinandan Prasad Bahadur,
	Mr. Muhammad Afzal,

Ayes (16).

Rai Kunwar Parmanand Bahadur,
Rai Bahadur Kunwar Dillipat Shah.
Lieut. Nawab Muhammad Ahmad Sa'id Khan,
Chaudhri Sardar Singh,
Rao Sheo Dhyan Singh Sahib,
Khan Bahadur Sardar Rahimdad Khan,
Lieut. Kunwar Jamshed Ali Khan,
Khan Bahadur Shaikh Saiyid Muhammad,
Khan Bahadur Chaudhri Amir Hasan Khan
Mr. Zafar Husain,
Chaudhri Sher Singh,
Mr. Jafer Hosain.

Noes (54).

Pandit Brijnandan Prasad Misra,
Mahant Parmanand Gir,
Babu Gendan Lal,
Kunwar Shamsher Bahadur Singh,
Nawabzada Muhammad Yusuf,
Rai Thakur Mashal Singh Bahadur,
Raja Amarpal Singh,
Raja Indrajit Pratap Bahadur Sahi,
Sardar Birpal Singh,
Rai Indra Narayan,
Mr. D. C. Banerji,
Rai Jodh Singh B. Negi Bahadur,
Rai Gopal Das Sharma Sahib,
Babu Chhail Bihari Kapur,
Lala Shadi Ram,
Rai Rajeshwar Bali,
Babu Khem Chand,
Rai Anand Swarup Bahadur,
Pandit Soti Vishnu Swarup,
Pandit Gokaran Nath Misra,
Pandit Hirday Nath Kunzru,
Pandit Baijnath Misra,
Lieut. Rai Bahadur Kunwar Nand Lal,
Rai Kishori Lal Sahib,
Munshi Narayan Prasad Ashthana,
Thakur Manak Singh,
Rai Vikramajit Singh Bahadur,
Chaudhri Mukhtar Singh,
Pandit Iqbal Narayan Gurtu,
Major D. R. Ranjit Singh,
Pandit Nanak Chand,
Rai Sita Ram Sahib,
Mr. H. S. Crosthwaite,
Mr. G. B. Lambert,
Mr. S. H. Fremantle,
Mr. F. F. R. Channer,
Mr. H. deL. Ross,
Mr. L. S. White,
Mr. C. M. King,
Mr. R. Burn,
Mr. G. B. F. Muir,
Mr. A. B. Reid.
Mr. A. C. Verrières,
Mr. A. H. Mackenzie,
The Hon'ble Mr. C. Y. Chintamani,
The Hon'ble Pandit Jagat Narayan,
Mr. H. M. Leake,
Mr. F. F. Sladen,
Lieut.-Col. A. W. R. Cochrane.

The amendment was therefore negatived.

[The Hon'ble Pandit Jagat Narayan.]

The motion that clause 117 do stand part of the Bill was put and adopted.

CLAUSE 118.

Rai Kunwar Parmanand Bahadur: I propose the following amendment to clause 118:—

"In the fourth line for 'thirty days' substitute 'sixty days.'"

With this amendment inserted the clause would run as follows:—

"Any person ordinarily residing or carrying on business in the district within which the board desires to impose a tax may, within sixty days from the publication of the said notice, submit to the board an objection in writing to all or any of the proposals framed under the preceding section, and the board shall take any objection so submitted into consideration and pass orders thereon by special resolution."

Having regard to the large area over which the jurisdiction of a district board would extend I submit that a period of thirty days for lodging objections is not sufficient. If those who desire to lodge objections have to get a fair chance for doing so the period should be increased and I suggest that instead of "thirty days" they should be allowed "sixty days." For these reasons I submit the motion for the favourable consideration of the House.

The Hon'ble Pandit Jagat Narayan: The object of putting down thirty days was that no inordinate delay may take place in the taxation proposals to materialize. I have not yet found any difficulty in such matters and so far as I am aware there is not a single Act either in this province or in any other province where more than thirty days are allowed for making these objections. In all conscience taxation clauses take enormous time to materialize and if the honourable members place further obstacles it may take full one year before taxation becomes an accomplished fact. That is my only objection, otherwise whether it be thirty days or sixty days is not very material.

Rai Kunwar Parmanand Bahadur: I have nothing more to add to what I said when I placed the amendment before the House. I expressed the opinion that thirty days were not sufficient. If it is justifiable for me to say, I would point out that my experience as a Municipal Commissioner at Allahabad many years ago certainly left upon me a distinct impression that thirty days would not be sufficient. It is a matter on which members may have different opinions, and under these circumstances I think that the opinion of the House may be taken.

The Hon'ble Pandit Jagat Narayan: I may inform my honourable friend that, so far as the municipal areas are concerned, the period fixed is two weeks; but taking into consideration that here we have to deal with a larger area, the Select Committee increased the period from two weeks to four weeks.

The motion was put and negatived.

The motion that clause 118 do stand part was put and adopted.

CLAUSES 119 TO 125.

The motion that clauses 119 to 125 do stand part was put and adopted.

CLAUSE 126.

Thakur Hanuman Singh: I rise to move an amendment to section 126 of the Bill which runs as follows:—

"Add the following sub-clause:—

'(4) The board shall remit or suspend the tax proportionately to the revenue or rent in areas, the land revenue or rent of which is remitted or suspended under orders of Government.'"

I want to add a few words to my amendment and I crave the indulgence of the House for permission to do so. I wish that before the word "proportionately" the words "assessed under section 110 of the Act" be added.

The further amendment was put and there was no objection. The honourable member was accordingly allowed to proceed.

Thakur Hanuman Singh: I move the altered amendment which runs thus:—

"(4) The board shall remit or suspend the tax assessed under section 110 of the Act proportionately to the revenue or rent in areas the land revenue or rent of which is remitted or suspended under orders of Government."

It is needless to say that the Government in suspending or remitting land revenue or rent is neither generous nor very liberal. It grants suspensions or remissions only when it finds that the condition of the people is miserable and unless the suspension or remission were given they would not be able to save themselves from starvation and misery. Under such condition it will be fair and just on the part of boards to grant proportionate suspension or remission of taxes imposed under section 110 of this Act. Every one of us who is acquainted with rural conditions will admit that when there is a famine or a drought, the condition of the tenantry becomes pitiable. At such a time, if they will be made to pay these taxes, the Council can realize that it will be a great hardship or *zulm* to them. The Hon'ble the Minister for Local Self-Government asked how the work of the district boards would be carried on if taxes were remitted or suspended. In this connection I have only to submit that the Government should be expected to come to the rescue of such boards which may, on account of remission or suspension of taxes, stand in need of money. When it can squander money on buildings, it should be expected to help the boards which may require financial assistance. I hope my amendment will be acceptable to the House, as in the event of its being passed it will confer a great boon on the poor tenants.

The Hon'ble Pandit Jagat Narayan: At first sight the amendment proposed would strike honourable members of this House as being very reasonable and moderate, but so far as I am aware the principle underlying it has not yet been recognized anywhere in India, and the reasons are very good and sound. The Government may be able to remit or

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suspend revenue; but according to the taxation clauses of the present Bill, the income of the district boards would be a fixed one for at least another ten years. They will prepare their budgets, employ servants and incur liabilities. Where then would the district boards be? Therefore that principle cannot apply to the district boards. When the remission of land revenue takes place, the question that the people have to pay cesses is always taken into consideration. Now, in future when there is a remission or suspension of land revenue, the Government will have to take into consideration the fact that the zamindars and tenants in respect of whom the concession has been made, have to pay cesses. Suppose the Government remits 50 per cent. of revenue and 50 per cent. of rent, how would you propose that the district board should carry on its administration? The reply may be:—"Borrow money." But who will advance the board money unless and until it furnishes sufficient security? Moreover, in years of famine and drought the resources of the district board would be crippled while additional expenditure will have to be incurred for measures of relief. With these words I oppose the amendment.

Munshi Narayan Prasad Ashthana: I think the cesses which are imposed under the Local Rate Act are not remitted or suspended when the land revenue is remitted. Even at the present time when there is a remission or suspension of land revenue, the cesses are realized, for very good reasons, as has been pointed out by the Hon'ble the Minister, namely, that they are spent on specific purposes, and those specific purposes would suffer if the cesses were not realized. If the cesses imposed along with land revenue are not remitted or suspended, I do not see any reason why they should be suspended or remitted now when the district boards themselves will have the power to impose them. For these reasons I oppose the motion.

Rai Kunwar Parmanand Bahadur: There are two sides to every question. The Hon'ble the Minister said that, if along with the suspension of revenue suspension of cesses were allowed, how would the district boards be able to get on, and he obviously desired the House to draw an inference that as their expenses would not decrease no remission or suspension could be permitted. So far the position would seem to be logical, but may I be permitted to draw the attention of the House to the other side of the picture? What does the agriculturist, the tenant and the small zamindar pay the revenue and cesses out of? He pays out of the crops—the revenue as well as the cesses. When crops are favourable, he can just save enough to keep his life and body together and the life and body of his family. When there is a severe scarcity, what would be his lot? Where is he to get the money to pay these cesses? A majority of the tenants live from hand to mouth and have nothing to spare. I think it is only right that in cases where the Government suspends or remits revenue district boards should also show the same consideration. It was said that the Government in suspending or remitting revenue always took into account the cesses which these tenants had to pay. It seems to me that it would be an act of sheer justice and no favour to put this concession in the Act. With these words I support the amendment which has been moved by my friend from Ballia.

Pandit Iqbal Narayan Gurtu : My friend who preceded me did not offer any solution of the difficulty pointed out by the Hon'ble the Minister as to how the district boards would be able to carry on their work if they were to remit or suspend these cesses. My honourable friend did admit that there was a good deal of force in that argument.

Rai Kunwar Parmanand Bahadur: I did not say that there was a good deal of force in the argument. I said the position seemed to me logical.

Pandit Iqbal Narayan Gurtu : I see very little difference. It seems to me that what is logical is also forceful, but obviously my honourable friend's mentality is different from mine, and I am not going to dispute it. He has not placed any solution of the difficulty before the House. Can the district boards raise loans? The Local Government can raise loans, but the district boards have not been given that power. The work of the district boards will come to a standstill. Is that the wish of my honourable friend? We are trying to give the boards more power so that they may be able to carry on their work efficiently. My friend said where is the tenant to get money from if his crops fail? I will draw his attention to the fact that the maximum laid down under the Bill is only $1\frac{1}{2}$ per cent. of the annual value, which amounts to 3 per cent. of the land revenue. Now remissions and suspensions of land revenue are made when there is a partial failure of crops and such remissions or suspensions are usually only a portion of the entire land revenue. If the landlords can pay 50 per cent. of the revenue even when there is a serious drought, can they not pay 3 per cent. as cesses under those conditions? It seems to me illogical that you should think that a zamindar who can pay 75 per cent. of his revenue cannot pay the cesses. After all it is a very small amount which the zamindar will be asked to pay in the shape of cesses. If the limitation proposed in the amendment is put on the district boards, their work will immensely suffer, and I would therefore ask the House to reject the amendment.

Thakur Hanuman Singh : The Hon'ble the Minister of Local Self-Government in opposing this motion has said that on principle he cannot accept the amendment. In reply I would say that principle may be on his side, but justice is on mine. I have been a revenue officer for thirty years of my life and I know how these taxes and cesses, of which the Hon'ble the Minister of Local Self-Government and my friend Mr. Ashthana made mention, are collected. It is a matter of great hard-heartedness to demand these cesses from those who, though respectable, are forced to go and work on during famine and earn a livelihood. I may say that it is seldom that the Government remits revenue; generally the revenue is suspended and as a consequence of it the rent is also suspended; but it is collected in instalments thereafter. If the board may also suspend the collection of tax, they may collect it when the tenants may have good crops. In the meantime they can borrow money from the Government. If Government has been and is even now advancing big sums to municipalities to build drains, and for other purposes, then on such occasions it will be fair and just to advance to these boards also such amounts as will enable them to carry on their work for the time being. Such an arrangement, I am sure, will not be impossible, but quite feasible, and the tax-payers would get temporary relief, which

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they will on occasions of famine find to be a boon to themselves and their starving families.

With these remarks I press the motion for the acceptance of the House.

The Hon'ble Pandit Jagat Narayan : First of all I would refer the honourable members of this House to sub-clause (2) of clause 126 of the Bill. It clearly says :—

'A board may, by a special resolution confirmed by the commissioner, exempt from the payment of a tax, or any portion of a tax, imposed under this Act, any person or class of persons or any property or description of property.'

I am not in a position to appeal to the sympathies of the public as my Hon'ble friend Rai Kunwar Parmanand Bahadur is able to do, or to make electioneering speeches. I have to act, being in charge of the Bill, the part of Shylock and demand my pound of flesh. However, it is my misfortune. On no principle, however sympathetic we may be towards the tenants, can we accept this amendment. The difficulties are obvious. Now I have stated on information that when the remission of revenue and rent takes place the fact that these tenants or these landlords will have to pay cesses is taken into consideration. Therefore, my reply is that that matter is always taken into consideration.

Further my friend has said:—"Borrow money." A very good idea indeed, but borrow money from whom and on what security? It is obvious that for the purpose of borrowing money, boards must offer some security, and I suppose my honourable friend will agree with me that for many many years to come these boards will not be in possession of any balances upon which they could draw for purposes of meeting extraordinary expenses. They will be living from hand to mouth.

Therefore, for the reasons which I have stated, I am sorry I cannot accept this amendment.

The amendment was put and the Council divided as below :—

Ayes (17).	*Noes* (45).
Lieut. Kunwar Jamshed Ali Khan,	Rai Rajeshwar Bali,
Kunwar Jagdish Prasad,	Lala Shadi Ram,
Khan Sahib Hakim Nawab Ali Khan,	Babu Khem Chand,
Chaudhri Sardar Singh,	Pandit Brijnandan Prasad Misra,
Rao Sheo Dhyan Singh Sahib,	Rai Ravinandan Prasad Bahadur,
Chaudhri Sher Singh,	Mr. H. David,
Mirza Muhammad Sajjad Ali Khan,	Major Kunwar Shamsher Bahadur Singh,
Mr. Jafer Hosain,	Sardar Birpal Singh,
Khan Bahadur Shaikh Saiyid Muhammad,	Mr. D. C. Banerji,
Khan Bahadur Chaudhri Amir Hasan Khan,	Rai Jodh Singh B. Negi Bahadur,
Mr. Zafar Husain,	Mahant Parmanand Gir,
Lieut. Raja Hukm Tej Pratab Singh,	Rai Indra Narayan,
	Rai Thakur Mashal Singh Bahadur,
	Babu Gendan Lal,
	Rai Gopal Das Sharma Sahib,

Ayes (17).

Thakur Jagannath Bakhsh Singh,
Rai Kunwar Parmanand Bahadur,
Thakur Hanuman Singh,
Lieut. Nawab Muhammad Ahmad Sa'id Khan,
Khan Bahadur Sardar Rahimdad Khan.

Noes (45).

Lieut. Rai Bahadur Kunwar Nand Lal.
Pandit Soti Vishnu Swarup,
Chaudhri Mukhtar Singh,
Major D. R. Ranjit Singh,
Pandit Iqbal Narayan Gurtu,
Pandit Nanak Chand,
Pandit Gokaran Nath Misra,
Munshi Narayan Prasad Ashthana,
Pandit Hirday Nath Kunzru,
Rai Vikramajit Singh Bahadur,
Rai Kishori Lal Sahib,
Rai Anand Swarup Bahadur,
Mr. A. H. Mackenzie,
Mr. S. H. Fremantle,
Lieut.-Col. A. W. R. Cochrane,
Mr. H. M. Leake,
Mr. F. F. Sladen,
Mr. R. Burn,
Mr. A. B. Reid,
Mr. A. C. Verrières,
The Hon'ble Mr. C. Y. Chintamani,
Mr. L. S. White,
The Hon'ble Pandit Jagat Narayan,
Mr. G. B. F. Muir,
Mr. C. M. King,
Mr. H. deL. Ross,
Mr. G. B. Lambert,
Mr. F. F. R. Channer,
Mr. H. S. Crosthwaite,
Babu Chhail Bihari Kapur.

The amendment was therefore negatived.

The motion that clause 126 stand part of the Bill was put and adopted.

CLAUSE 127.

The motion that clause 127 stand part was put and adopted.

CLAUSE 128.

Thakur Hanuman Singh: I rise to move that in sub-clause (*c*) of clause 128 (1) in line 1, insert the words "if on rent" between the words "land" and "which." By the insertion of these words it will become clear that when a house or land is on rent then only the name and the address of the owner should be required. What I mean to say is that in no way should the owner who builds the house for himself and is residing in it should be taxed on the estimated rent of that house. I have nothing more to say.

The Hon'ble Pandit Jagat Narayan: I cannot see my way to accept the motion. It is practically the same question again. However, it may be left to the House to decide whether landed property and

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house property should never be taken into consideration when we have to decide the question of taxation. If the motion is accepted, it will decrease the income to be derived from the tax on means and circumstances. I have already said that under clause 126 the district board has the power to exempt any class from payment of tax who in its opinion by reason of poverty is unable to pay the tax. Therefore I submit that the district board has already got this power.

Thakur Hanuman Singh: I have received the same reply from the Hon'ble the Minister which I have received in the earlier part of the day. I cannot make myself agreeable to the idea that those who live in their own houses and never let them on rent should be taxed on the estimated rent of those houses.

The motion was put and negatived.

Mirza Muhammad Sajjad Ali Khan: I beg to move that after the words "Omits to furnish it," insert the following "within a reasonable time, say, one month, without a sufficient cause." In my humble opinion one month's time should be given to persons from whom the information is asked as to the annual value of the land or building.

The Hon'ble Pandit Jagat Narayan: It is impossible for me to accept this amendment. The reasons are so obvious that I will not waste the time of the Council. I oppose it.

Mirza Muhammad Sajjad Ali Khan: I beg to withdraw the motion.

The motion was, by leave of the Council, withdrawn.

The motion that clause 128 stand part was put and adopted.

CLAUSE 129.

The motion that clause 129 stand part was put and adopted.

CLAUSE 130 (1).

Mr. Zafar Husain: I beg to move that in sub-clause (1) of clause 130 *for* "district magistrate" *substitute* "district judge."

The Council agreed the other day to the proposal that all election petitions should be heard by the district judge. On the same principle this amendment is moved. In all matters the district magistrate will be of the same status as the chairman of the district board and also in most cases the district magistrate will be a member of the board. Under these circumstances there is no reason why this power should not be given to the district judge.

The Hon'ble Pandit Jagat Narayan: I oppose the amendment. First of all I do not think that the number of appeals from objections regarding assessment that would be filed could be disposed of by the district judge. Secondly, it is a matter which requires speedy disposal. These cases cannot hang on for days and days. The district magistrate being the executive head of the district is, I think, the proper person to dispose of such miscellaneous matters. Therefore I think the proper tribunal is the district magistrate and not the district judge.

The amendment was put and negatived.

The motion that clause 130(1) stand part was put and adopted.

CLAUSE 130 (2).

The Hon'ble the President: The question is that sub-clause (2) of clause 130 stand part of the Bill.

Thakur Hanuman Singh: I have an amendment to move, Sir. My amendment is No. 282 which . . .

The Hon'ble the President: Will the honourable member wait ? We are now at clause 130, sub-clause (2).

Thakur Hanuman Singh: I am sorry, Sir.

The motion that clause 130 (2) do stand part was put and adopted.

CLAUSE 131.

Thakur Hanuman Singh: I move an amendment to clause 131 which stands thus:—delete the paragraph (*b*). In moving this amendment I have to say that it will be very unjust to have this paragraph in the Act. Unless a man who has been assessed to a certain tax is allowed to appeal and put forward his objection he should not be asked to deposit the amount of the tax with the district board. It is the same thing as saying "if you have no money to pay the taxes, then go to a banker, borrow it and pay it to the board and then your objection or appeal will be heard. I think after the objection is heard the board will be powerful enough . . .

[At this stage the Deputy President took the Chair.]

Thakur Hanuman Singh: After the decision of the objection or appeal the board will be powerful enough to realize the amount from the assessee. I do not see any necessity to have this paragraph as part of the law. There is not much for me to say on this question. I wish only to say that in many cases this sub-section will act as a great hardship on the assessees if they are made to pay before lodging their appeal or objection before the proper authority. With these remarks I place the motion before the House for its acceptance.

Mr. Zafar Husain: This clause has been taken word for word from the Municipalities Act. The clause as it stands does not give enough power of appeal to the assessee because he is allowed the privilege of appeal only within a limited period, that is to say thirty days, and even then only if he deposits the amount claimed from him in the office of the board. I think in most cases the assessees would be unable to deposit this amount within thirty days and the result would be a great injustice to him, i.e., he will have no right of appeal whatsoever. Therefore in order to remove this injustice I think this paragraph (*b*) can safely be omitted and the period of thirty days be allowed to stand as it is.

The Hon'ble Pandit Jagat Narayan: The principle underlying this clause in my humble opinion is a sound one. Why should it be supposed that a man who has been assessed by a public body is in the right and the public body which has to discharge public functions is in the wrong ? *Primâ facie* it should be assumed that the public body is in the right. In the second place the public body has to carry on its day-to-day administration from the income which it derives from various sources including taxes and if once this power of realizing taxes speedily is in any way made dependent on the interference of civil courts or if there is any

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loophole given to persons not to pay taxes or to evade taxation by long delays the result would be that in the majority of cases people who do not want to pay taxes will go on fighting with the district board. It is quite possible that today the man who is taxed may be capable of paying the tax and the board may be able to realize it. Supposing he is allowed to go on quarelling with the board in this way and is not made to deposit the tax beforehand or is not compelled to pay the tax within three or four months, the result would be that the board, even if successful, will not be able to realize anything. Here is a public body. That public body discharges certain functions. The expenditure of that public body depends upon the assessment that it makes. A number of sections have been put down here which clearly show that when assessments are made objections should be invited. After all the prescribed procedure has been gone into, a notice will be served upon the man. If after the service of the notice the man does not pay and questions the assessment made by the public body, I think it is fair and reasonable that that man in order to show his *bona fides*, in order, further, to show that in case he fails the money will be forthcoming should be required to deposit the money. In civil courts the case is different. Here one of the parties, i.e., the district board, is a public body and if any money is deposited with a public body it is always safe. If the case is decided against the board, there is no danger to the money deposited while on the other hand if the money is not deposited and if the board wins the case, there is every danger that the board may not be able to realize the money.

Thakur Hanuman Singh: The Hon'ble the Minister was pleased to say that the *bona fides* of the appellant ought to be shown and that if the tax is deposited with the district board then his *bona fides* will be known. I have not been convinced by this argument. Will the public bodies always be right in taxing the people? Nobody who is assessed to tax and against whom a decision is passed in appeal can evade payment. There will be some delay of course but the money will come in sooner or later. Even in the case of income tax, it is assessed first, the assessee is then served with a notice and when he files objections before the Income-tax Deputy Commissioner, it is decided and then he is made to pay and made to pay in instalments, not in a lump sum, if the amount of tax is a large one. Under this Bill one has to pay the whole amount first and then he can go to appeal. I have failed to find any justice in this sub-clause.

The motion that sub-clause (*b*) of clause 131 do stand part was put and adopted.

The motion that clause 131 do stand part was put and adopted.

CLAUSE 132.

The motion that clause 132 do stand part was put and adopted.

CLAUSE 133 (1).

Mr. G. B. F. Muir: I move that at the end of clause 133, sub-clause (1) the following words be added:—

"or in the United Provinces Local Rates Act, 1914."

The addition of these words is not really necessary, but they make clear that this Bill does not abolish the provisions in the Local Rates Act, 1914.

The amendment was put and adopted.

The motion that clause 133 as amended stand part was put and adopted.

Mirza Muhammad Sajjad Ali Khan: I beg to move that the word "not" in the last line but two of clause 134 be omitted. This is necessary in order to remove ambiguity and to be more precise, so that the name of the owner or occupier should also be mentioned in the list of assessment.

The Hon'ble Pandit Jagat Narayan: I oppose the amendment. It is quite clear to my mind that no assessment list or other list, notice, or bill should become invalid, because a clerical mistake was made in the description of the name of the owner or occupier. I know of cases where for months and months money that was due to the municipalities could not be realized owing to some formal defect. Clerical mistakes are bound to creep in and they should not invalidate a notice, bill or list, when as a matter of fact the assessed person is liable to pay.

Mirza Muhammad Sajjad Ali Khan: I am sorry that the Hon'ble the Minister has not accepted even so moderate an amendment which is intended to remove an ambiguity and to make the clause more precise.

The Hon'ble Pandit Jagat Narayan: I am very sorry. It is not on account of cussedness or anything of that sort that I have not accepted the amendments moved by my honourable friend. I have to safeguard the interests of the local bodies. If I accept the amendment proposed by my honourable friend, a great loss will be suffered by these local bodies. Nobody can prepare these lists and bills without committing clerical mistakes, and these clerical mistakes should not deprive a district board of taxes which are due to it.

Mr. S. H. Fremantle: I want to point out that this amendment, if accepted, will make nonsense of the section . . .

The Deputy President: The honourable member has no right to speak now as the honourable mover has replied.

The motion that clause 134 do stand part of the Bill was put and adopted.

CLAUSES 135 TO 139.

The motion that clauses 135, 136, 137, 138 and 139 do stand part was put and adopted.

CLAUSE 140.

Mr. G. B. F. Muir: I move that in sub-clause (1) of clause 140 the words "within the rural area" after the words "wherever it may be found" be inserted. This insertion is required to bring this clause in conformity with clause 142 which lays down the procedure to be adopted if sufficient movable property cannot be found within the rural area.

The amendment was put and adopted.

Thakur Hanuman Singh: I beg to move that in line 4 of sub-section (4) of clause 140 of the Bill between the word "seizure" and the words "a written" insert the words "a copy of the inventory signed by him and."

[The Hon'ble Pandit Jagat Narayan.]

loophole given to persons not to pay taxes or to evade taxation by long delays the result would be that in the majority of cases people who do not want to pay taxes will go on fighting with the district board. It is quite possible that today the man who is taxed may be capable of paying the tax and the board may be able to realize it. Supposing he is allowed to go on quarelling with the board in this way and is not made to deposit the tax beforehand or is not compelled to pay the tax within three or four months, the result would be that the board, even if successful, will not be able to realize anything. Here is a public body. That public body discharges certain functions. The expenditure of that public body depends upon the assessment that it makes. A number of sections have been put down here which clearly show that when assessments are made objections should be invited. After all the prescribed procedure has been gone into, a notice will be served upon the man. If after the service of the notice the man does not pay and questions the assessment made by the public body, I think it is fair and reasonable that that man in order to show his *bona fides*, in order, further, to show that in case he fails the money will be forthcoming should be required to deposit the money. In civil courts the case is different. Here one of the parties, i.e., the district board, is a public body and if any money is deposited with a public body it is always safe. If the case is decided against the board, there is no danger to the money deposited while on the other hand if the money is not deposited and if the board wins the case, there is every danger that the board may not be able to realize the money.

Thakur Hanuman Singh: The Hon'ble the Minister was pleased to say that the *bona fides* of the appellant ought to be shown and that if the tax is deposited with the district board then his *bona fides* will be known. I have not been convinced by this argument. Will the public bodies always be right in taxing the people? Nobody who is assessed to tax and against whom a decision is passed in appeal can evade payment. There will be some delay of course but the money will come in sooner or later. Even in the case of income tax, it is assessed first, the assessee is then served with a notice and when he files objections before the Income-tax Deputy Commissioner, it is decided and then he is made to pay and made to pay in instalments, not in a lump sum, if the amount of tax is a large one. Under this Bill one has to pay the whole amount first and then he can go to appeal. I have failed to find any justice in this sub-clause.

The motion that sub-clause (*b*) of clause 131 do stand part was put and adopted.

The motion that clause 131 do stand part was put and adopted.

CLAUSE 132.

The motion that clause 132 do stand part was put and adopted.

CLAUSE 133 (1).

Mr. G. B. F. Muir: I move that at the end of clause 133, sub-clause (1) the following words be added:—

"or in the United Provinces Local Rates Act, 1914."

The addition of these words is not really necessary, but they make clear that this Bill does not abolish the provisions in the Local Rates Act, 1914.

The amendment was put and adopted.

The motion that clause 133 as amended stand part was put and adopted.

Mirza Muhammad Sajjad Ali Khan: I beg to move that the word "not" in the last line but two of clause 134 be omitted. This is necessary in order to remove ambiguity and to be more precise, so that the name of the owner or occupier should also be mentioned in the list of assessment.

The Hon'ble Pandit Jagat Narayan: I oppose the amendment. It is quite clear to my mind that no assessment list or other list, notice, or bill should become invalid, because a clerical mistake was made in the description of the name of the owner or occupier. I know of cases where for months and months money that was due to the municipalities could not be realized owing to some formal defect. Clerical mistakes are bound to creep in and they should not invalidate a notice, bill or list, when as a matter of fact the assessed person is liable to pay.

Mirza Muhammad Sajjad Ali Khan: I am sorry that the Hon'ble the Minister has not accepted even so moderate an amendment which is intended to remove an ambiguity and to make the clause more precise.

The Hon'ble Pandit Jagat Narayan: I am very sorry. It is not on account of cussedness or anything of that sort that I have not accepted the amendments moved by my honourable friend. I have to safeguard the interests of the local bodies. If I accept the amendment proposed by my honourable friend, a great loss will be suffered by these local bodies. Nobody can prepare these lists and bills without committing clerical mistakes, and these clerical mistakes should not deprive a district board of taxes which are due to it.

Mr. S. H. Fremantle: I want to point out that this amendment, if accepted, will make nonsense of the section . . .

The Deputy President: The honourable member has no right to speak now as the honourable mover has replied.

The motion that clause 134 do stand part of the Bill was put and adopted.

CLAUSES 135 TO 139.

The motion that clauses 135, 136, 137, 138 and 139 do stand part was put and adopted.

CLAUSE 140.

Mr. G. B. F. Muir: I move that in sub-clause (1) of clause 140 the words "within the rural area" after the words "wherever it may be found" be inserted. This insertion is required to bring this clause in conformity with clause 142 which lays down the procedure to be adopted if sufficient movable property cannot be found within the rural area.

The amendment was put and adopted.

Thakur Hanuman Singh: I beg to move that in line 4 of sub-section (4) of clause 140 of the Bill between the word "seizure" and the words "a written" insert the words "a copy of the inventory signed by him and."

[Thakur Hanuman Singh.]

I do not think it requires a speech. If an inventory is given to the owner of the property by the officer who attaches that property, it will serve as a receipt of the property which will be taken possession of.

The Hon'ble Pandit Jagat Narayan: I accept the amendment.

The amendment was put and adopted.

The motion that clause 140 as amended do stand part was put and adopted.

CLAUSE 141.

Thakur Hanuman Singh: I beg to move that in line 1, sub-clause (3) of clause 141 of the Bill between the word "any" and the word "shall" insert the words "after deducting postal commission" and between the "forthwith" and the word "credited" insert the words "remitted by money order to the person from whose possession the property was taken and if the amount so remitted be returned, the same shall be."

In line 3, between the word "the" and the word "person" insert the word "said" and delete the words "from whose possession the property was taken."

The amended sub-clause shall run thus:—

"(3) The surplus, if any, after deducting postal commission, shall be forthwith remitted by money order to the person from whose possession the property was taken and if the amount so remitted be returned, the same shall be credited to the district fund, notice of such credit being given at the same time to the said person, and if the same be claimed by written application to the board within one year from the date of the service of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of service of such notice shall be the property of the board."

The Hon'ble Pandit Jagat Narayan: I accept the amendment.

The amendment was put and adopted.

The motion that clause 141, as amended, do stand part was put and adopted.

CLAUSES 142 TO 147.

The motion that clauses 142, 143, 144, 145, 146 and 147 do stand part was put and adopted.

CLAUSES 148 AND 149.

The motion that clauses 148 and 149 do stand part was put and adopted.

CLAUSE 150.

Mr. Zafar Husain: I move that in clause 150 the following be omitted, namely:—"With the previous sanction of the Local Government."

I would point out that the Local Government has taken upon itself from the board the authority even of fixing and levying school fees and

fees for the use of libraries and sarais and paraos. I think this was the minimum power that could have been given to the boards. If the board are to depend upon the sanction of the Local Government in every minor detail, I do not see where is the freedom of action which the boards are supposed to have. With these words I commend my motion for the acceptance of the House.

The Hon'ble Pandit Jagat Narayan: I oppose this amendment. It is not a case where a district board remits fees. It is a case where the Local Government considers it desirable to fix a minimum. When the Government is giving large grants to the district boards for carrying out their duties, it must have a voice in the matter. The object was to avoid causing trouble to private persons who claimed the exclusive right over paraos and sarais.

Mr. Zafar Husain: I may inform the Hon'ble the Minister that the only question involved in this matter is the freedom of action of the board, and I think that the private owners may have better recourse to the board rather than to the Local Government. If they have any grievances, they can come forward and appeal to the board rather than that they should take the trouble of going and applying direct to the Local Government. This clause has been copied word for word from the District Boards Act, section 144, and as the old District Board Act gave limited powers to the district boards, it is proposed to give the same powers to the boards under this Bill.

The amendment was put and negatived.

Thakur Jagannath Bakhsh Singh: I move that in clause 150 of the Bill the following proviso be added:—

> "Provided that the board shall not interfere with sarais built for free use and unacquired parao grounds."

I am open to correction by the honourable the Legal Remembrancer if I have misunderstood the section. I have moved my amendment on the assumption that this section extends the power of imposing fees by the board over private sarais built for free use.

The Hon'ble Pandit Jagat Narayan: No.

Thakur Jagannath Bakhsh Singh: I am assured by the Hon'ble the Minister of Local Self-Government that this is not the case, and I would therefore withdraw the first part of my amendment. The second part of my amendment concerns the parao grounds. There too my apprehension is that the board will have the right of levying fees on the parao grounds even if these parao grounds have not been acquired.

The Hon'ble Pandit Jagat Narayan: This clause has reference only to those institutions that are controlled by the board.

Thakur Jagannath Bakhsh Singh: But those parao grounds are controlled by the Government and I think that the power will be delegated by this Bill to the board.

The Hon'ble Pandit Jagat Narayan: So far as I am aware I do not think that the Government has delegated that power. I make that statement subject to correction; I am not sure, but that is my impression.

Thakur Jagannath Bakhsh Singh: Under the circumstances, I would request you, Sir, to postpone this clause for the present so as to enable the Hon'ble the Minister to make sure, or allow me the option of moving the amendment.

The Hon'ble Pandit Jagat Narayan: Well, I will accept the second part of the amendment. Why postpone?

The first part of the amendment, viz., that the board shall not interfere with the sarais built for free use, was, by leave of the Council, withdrawn.

The amended motion was then put and adopted.

The motion that clause 150, as amended, do stand part was put and adopted.

CLAUSE 151.

Mirza Muhammad Sajjad Ali Khan: I beg to move that in clause 151 of the Bill after the words "fees or tolls" the following be added:—

"to the extent of one rupee per year in Rs. 100 per annum's income."

As the landlords are already overburdened with different kinds of taxes, it is quite sufficient that Re. 1 per cent. on the annual income should be levied and not more.

The Hon'ble Pandit Jagat Narayan: This applies only to markets established, maintained and managed by the district board. I do not know why the powers of the board should be limited and why we should fix a scale for the purpose. Further, I do not know how the question of landlords being heavily taxed comes in this matter. I am sorry I am obliged to oppose this amendment.

Mirza Muhammad Sajjad Ali Khan: I beg to withdraw the motion.

The amendment was, by leave of the Council, withdrawn.

The motion that clause 151 stand part was put and adopted.

CLAUSES 152 TO 158.

The Hon'ble Pandit Jagat Narayan: With your permission, Sir, I would like to make a statement at this moment. As there seems to be a very strong feeling against clauses beginning from 152 to 158 about the markets I am prepared to agree to the omission of all these clauses.

The Deputy President: Will the Hon'ble the Minister move the amendment?

The Hon'ble Pandit Jagat Narayan: I move, Sir, that clauses 152, 153, 154, 155, 156, 157 and 158 be deleted from the Bill.

The motion was put and adopted.

CLAUSE 159.

The motion that clause 159 stand part was put and adopted.

CLAUSES 160 TO 164.

The motion that clauses 160, 161, 162, 163 and 164 stand part was put and adopted.

CLAUSE 165.

The motion that clause 165 stand part was put and adopted.

CLAUSES 166 TO 172.

The motion that clauses 166, 167, 168, 169, 170, 171 and 172 stand part was put and adopted.

CLAUSE 173.

The motion that clause 173 stand part was put and adopted.

CLAUSE 174.

The motion that clause 174 stand part was put and adopted.

CLAUSE 175.

Chaudhri Mukhtar Singh : I move the amendment that in clause 175, sub-clause (2) for the words " which may, thereupon if it thinks fit, rescind or modify the order " substitute the words " which shall, after receiving the explanation from the district board, rescind, modify or confirm the order. "

My submission is that the board should be given the right of explanation in this section. If a resolution is passed by a board it seems only just and proper that it should be given the right of explaining its conduct. At the time when the commissioner will consider the advisability of the order made there will be no matter on record to show why the district board adopted such a resolution. I therefore submit that an explanation may necessarily be called from the district board whose resolution has to be rescinded or modified. With these words I move my amendment.

The Hon'ble Pandit Jagat Narayan : This section refers to cases of emergency. Supposing a district board has passed a resolution about a slaughter house and it was apprehended that a riot was going to take place. There might be certain other cases to which section 144 of the Criminal Procedure Code applies. I have referred to this section because a portion of the wording of the section is, word for word, the same as one or two clauses in that section. This applies to cases where there can be no time to wait for an explanation. Therefore what Chaudhri Mukhtar Singh Sahib wants is absolutely impossible in the circumstances. The section only applies to cases where immediate action is absolutely necessary and when immediate action has been taken there is no necessity for any further explanation at all. Just suppose a letter is sent calling for an explanation. It reaches after two days and after two more days the explanation is forthcoming. I hope my honourable friend will see that what he wants cannot be accepted.

Rai Vikramajit Singh Bahadur : It appears to me from the reply of the Hon'ble the Minister that there seems to be some misapprehension. An emergency order could be passed without reference to the board; but it is only when the report is sent to the Local Government for rescinding or modifying the order that an explanation should be called for. Consequently I think both the clauses could be consistent. An emergency order could be passed rescinding the board's resolution and at the same time an explanation could be called for from the board

[Rai Vikramajit Singh Bahadur.]

before the order is confirmed by the Local Government. Therefore I think the amendment of Chaudhri Mukhtar Singh Sahib seems to be in order and does not in any way clash.

The Hon'ble Pandit Jagat Narayan: If the object of the amendment is that an explanation should be called for at a subsequent stage and that there must be an statutory provision to that effect I will not object. As a matter of practice it is always done. I have no objection if it is put down in black and white.

Pandit Gokaran Nath Misra: May I move a formal amendment, Sir? I move that in place of the word "shall" the word "may" be substituted.

Leave was given for moving the above amendment, it was put and adopted.

The Hon'ble Pandit Jagat Narayan: I think I may be permitted to change the wording of this amendment tomorrow because there are many things in this which have to be seen to. The amendment as it stands is not properly drafted.

The motion that clause 175 as amended do stand part was put and adopted.

CLAUSE 176.

The motion that clause 176 do stand part was put and adopted.

CLAUSE 177.

The motion that clause 177 do stand part was put and adopted.

CLAUSES 178 TO 180.

The motion that clauses 178, 179 and 180 do stand part was put and adopted.

CLAUSE 181.

The motion that clause 181 do stand part was put and adopted.

CLAUSE 182.

The motion that clause 182 do stand part was put and adopted.

CLAUSE 183.

Rai Vikramajit Singh Bahadur: I beg to move that in (*d*) of sub-clause (2) of clause 183 the words "or bathing" be inserted between "drinking" and "purposes."

Both the purposes are equally important. If tanks and rivers have to be protected from pollution for the purpose of drinking water, they ought to be protected also for the purpose of bathing. I therefore think that it is a very necessary amendment and hope that the Hon'ble the Minister will accept it.

The Hon'ble Pandit Jagat Narayan: I accept it, although the effects are very far-reaching. However, no district board will discharge this duty, and therefore I have no objection.

The amendment was put and adopted.

Thakur Jagannath Bakhsh Singh: I beg to move, Sir, that clause 183(2) (*n*) do not stand part of the Bill, i.e., I move that paragraph (*n*) be deleted.

Under this paragraph the board may make bylaws prohibiting the obstruction of any streams, channels or drains and providing for the removal of any such obstruction. If in any district a zamindar owns property on both sides of the river he can put in a *bund* for the irrigation of his land. If putting in a *bund* to such streams means an obstruction, I am afraid the right of private property would be injured. With these words I ask for the deletion of this sub-clause.

The Hon'ble Pandit Jagat Narayan: I have no objection with regard to streams, but there are drains and channels which are under the control of district boards. With regard to streams it is never intended that it should apply to the cases mentioned by my honourable friend. There are, however, cases in which the district boards, if they are to exercise any control, should be able to prevent obstructions. Unless such power is given to the district boards, how can they remove any obstructions which are placed by private persons in the channels which are under the control of the district boards. It will not apply to the rights of private persons which they exercise with regard to placing of *bunds* across the river for the purpose of irrigation, because that portion will not be under the control of district boards. I am, however, not very positive.

Pandit Gokaran Nath Misra: There is only one thing which I should like to bring to the notice of the honourable mover, viz., that there are several streams which are used for the purpose of irrigation and throughout the course of those streams all the persons who have got their property adjacent to them use them for the purpose of irrigation. Supposing an obstruction is created by a private owner for his own personal use, then that obstruction will be injurious not only to the interests of other property owners who are down the stream, but also to the residents down the stream, and they will not get water for drinking or other purposes. I think that the district boards should have such power. I therefore hope the honourable mover will withdraw his motion.

Thakur Jagannath Bakhsh Singh: My honourable friend the member from Lucknow has explained the point from a lawyer's point of view, but I am speaking as one who has had to go to a law court on this point. Our other neighbours on the other side of the river or lower down the stream can only say that we have obstructed a stream by putting in a *bund* if we stop the flow of the stream. Simply raising the surface of water by putting in a *bund* for the purpose of bringing the water to a higher level has been held not to be obstructing a stream. Up to this time the difficulty was that unless the property holder held land on both sides of the stream no *bund* could be put up. So that it has been very difficult for the zamindars to join in putting up such *bunds*. It is only

[Thakur Jagannath Bakhsh Singh.]

in few cases where zamindars had property on both sides of the river that *bunds* have been put up. Now I think it will be very difficult for any proprietor who owns property even on both sides, because the district board will be a third party in raising the point of obstruction. If that is the meaning of the clause, I strongly oppose it and I would ask the Government to once more consider the matter.

The Hon'ble Pandit Jagat Narayan: To the best of my knowledge there are no streams which are controlled by district boards. Take for instance the case of a district board to which is handed over nazul property. There is no reason why that district board should not have power to control obstructions. There is no reason why the district board should not have the same power as is exercised at present. This clause only applies to streams and drains which are actually controlled by district boards.

The amendment was put and the Council divided as below:—

Ayes (5).

Babu Gendan Lal,
Rai Kunwar Parmanand Bahadur,
Thakur Jagannath Bakhsh Singh,
Mr. Muhammad Sajjad Ali Khan,
Mr. Jafer Hosain.

Noes (39).

Pandit Brijnandan Prasad Misra,
Pandit Soti Vishnu Swarup,
Rai Ravinandan Prasad Bahadur,
Raja Kali Charan Misra,
Mr. C. M. King,
The Hon'ble Pandit Jagat Narayan,
Mr. L. S. White,
Mr. H. de L. Ross,
Mr. F. F. R. Channer,
Mr. H. S. Crosthwaite,
Mr. G. B. Lambert,
Mr. A. C. Verrières,
Mr. A. H. Mackenzie,
Mr. S. H. Fremantle,
Mr. G. B. F. Muir,
Mr. F. F. Sladen,
Mr. A. B. Reid,
Mr. H. M. Leake,
Lieut.-Col. A. W. R. Cochrane,
Babu Chhail Bihari Kapur,
Mr. Durga Charan Banerji,
Rai Gopal Das Sharma Sahib,
Mr. R. Burn,
The Hon'ble Mr. C. Y. Chintamani,
Rai Kishori Lal Sahib,
Pandit Baijnath Misra,
Pandit Iqbal Narayan Gurtu,
Chaudhri Mukhtar Singh,
Pandit Nanak Chand,
Rai Vikramajit Singh Bahadur,
Munshi Narayan Prasad Ashthana,
Pandit Hirday Nath Kunzru,
Pandit Gokaran Nath Misra,
Thakur Manak Singh,

Ayes (5).

Noes (39).

Raja Indrajit Pratap Bahadur Sahi,
Khan Sahib Hakim Nawab Ali Khan,
Rai Thakur Mashal Singh Bahadur,
Rai Indra Narayan,
Mahant Parmanand Gir.

The amendment was accordingly negatived.

Rai Vikramajit Singh Bahadur: With the permission of the Council I will call this sub-clause as (*v*), which runs as follows:—

"(*v*) prohibiting the discharge of water of any sink or drain or steam engine or boiler or any other filthy, offensive or injurious matter into any river, tank or other sources of water-supply or any specified portion thereof ordinarily used for drinking or bathing purposes."

This amendment is a necessary corollary to the amendment accepted in section 193. The district boards ought to have the power to prohibit people from discharging water of any sink or drain or steam engine, etc., in a river or tank used for drinking or bathing purposes. In clause 193 a similar clause has been added as under this clause in order that the district boards may be able to frame rule to carry out this intention.

The Hon'ble Pandit Jagat Narayan: I oppose the amendment. The present amendment has been improved upon what was accepted in clause 183. I may inform my friend that rivers are not under the control of the boards, but under that of the Government, and consequently I am strongly of opinion that they should not be allowed to interfere in this matter.

Mr. C. M. King: I would like to point out that this new clause is unnecessary. It is intended to give the district boards powers to make bylaws to prohibit the pollution of water used for drinking or bathing purposes, and the boards have already this power under clause (*d*) of this very section. I do not see what is the necessity for having this additional clause, which only mentions certain kinds of pollution. I think it is quite unnecessary.

Rai Vikramajit Singh Bahadur: The Hon'ble the Minister has said that rivers are the property of the Government, but I believe the management and control of these rivers will have to be given to some body, as in urban areas the management and control of nazul is given to the municipality. Consequently the nazul department outside the urban area will have to be managed by district boards. So there seems to be no objection to allowing the district boards this power. In the clause which has been already adopted we find this power is given to the district boards. I really do not see what serious objection there could possibly be to the Government giving these powers to the district boards when a similar provision has been enacted under section 93 as well as under this section. This is merely a clause which gives permission to frame certain bylaws so that the district boards may be in a

[Rai Vikramajit Singh Bahadur.]

position to apply their mind to certain matters which may be treated as injurious to the health of the inhabitants of the locality. Therefore, I submit that the House will accept the amendment.

The motion was put and the Council divided as below :—

Ayes (20).

Pandit Soti Vishnu Swarup,
Pandit Gokaran Nath Misra,
Rai Vikramajit Singh Bahadur,
Pandit Nanak Chand,
Rai Kishori Lal Sahib,
Chaudhri Mukhtar Singh,
Raja Kali Charan Misra,
Pandit Baij Nath Misra,
Thakur Manak Singh,
Mr. D. C. Banerji,
Rai Ravinandan Prasad Bahadur,
Thakur Hanuman Singh,
Raja Indrajit Pratap Bahadur Sahi,
Khan Sahib Hakim Nawab Ali Khan,
Rai Rajeshwar Bali,
Rai Thakur Mashal Singh Bahadur,
Mahant Parmanand Gir,
Babu Gendan Lal,
Rai Indra Narayan,
Rai Gopal Das Sharma Sahib.

Noes (19).

Munshi Narayan Prasad Ashthana,
Rai Kunwar Parmanand Bahadur,
The Hon'ble Pandit Jagat Narayan,
The Hon'ble Mr. C. Y. Chintamani,
Mr. R. Burn,
Mr. H. deL. Ross,
Mr. G. B. F. Muir,
Mr. F. F. Sladen,
Mr. C. M. King,
Mr. L. S. White,
Mr. F. F. R. Channer,
Mr. H. S. Crosthwaite,
Mr. G. B. Lambert,
Mr. A. H. Mackenzie,
Mr. S. H. Fremantle,
Mr. A. B. Reid,
Mr. H. M. Leake,
Lieut.-Col. A. W. R. Cochrane,
Mr. A. C. Verrières.

The motion that clause 183, as amended, do stand part was put and adopted.

CLAUSES 184 TO 208.

The motion that clauses 184 to 208 do stand part was put and adopted.

CLAUSES 209 AND 210.

Mr. G. B. F. Muir : I move that the following new clauses 209 and 210 be added :—

Add the following new clauses 209 and 210 :—

" 209. For the purpose of holding the first elections of members of boards after the commencement of this Act, the following persons only shall, notwithstanding anything contained in this Act, be qualified as electors, namely,—

Elections first held after commencement of Act.

every person whose name was registered in the year 1920 on the electoral roll of a general constituency of the United Provinces Legislative Council and who possessed any of the qualifications specified in clauses (*d*), (*e*), (*f*), (*g*), (*h*) or (*i*) of paragraph 8 of schedule II of the United Provinces Electoral Rules ;

Provided that in the case of a person qualified under any of the aforesaid clauses (*d*), (*e*), (*f*), (*g*) or (*h*), the land, on which the qualification is based, is situated within the rural area : and that in the case of a person qualified under the aforesaid clause (*i*) he ordinarily resides within the rural area.

210. For the purposes of holding the first elections of members of boards after the commencement of this Act the Collector shall, as soon as may be after the commencement of this Act, or, if the Local Government so directs, prior to such commencement, cause to be prepared two separate lists of the electors for each circle, namely,—

(*a*) a general electoral roll showing all qualified non-Muslim electors,

(*b*) a Muslim electors' roll, showing all qualified Muslim electors.

(2) Subject to rules made by the Local Government under section 26, the following persons are entitled to be entered in the electoral rolls prepared under this section for a circle, namely,—

every person whose name was registered in the year 1920 in that portion of the electoral roll of a general constituency of the United Provinces Legislative Council which appertains to the circle and who is qualified as an elector under section 209.

(3) No person shall be entitled to enrolment in more than one electoral roll in the same district, notwithstanding that he may possess qualifications for enrolment in more than one circle in the same district.

(4) When a Muslim constituency consists of more than one circle, the Muslim electoral rolls of all the circles, included in the constituency, shall together form the Muslim electoral roll of the constituency."

Pandit Gokaran Nath Misra: These electoral rolls were prepared in the year 1920, and it is quite possible that during the year 1921-22 several of the electors might have died and their heirs would be entitled to vote. If a provision had been added with regard to the addition of the heirs of such persons on that electoral roll, I think that would have been fair and proper, but I cannot understand simply because a person has died and his name is still borne on the record, why should his heirs be disqualified?

The Hon'ble Pandit Jagat Narayan: It is impossible for district boards, if elections are going to be held in the month of March, to prepare any new electoral rolls. Therefore for the sake of convenience and for the holding of an early election, it was thought proper that the roll which was prepared in 1920 be accepted as correct. No doubt many of the persons who may not be now qualified may be on the list; similarly many who are now qualified may not find a place in the list; but that was the best solution. This Council accepted it so far as the Municipal Act was concerned. From the estimates made it appeared that it would involve an additional expenditure of many lakhs of rupees if a new list is prepared. If the honourable member wishes that there should be a correct list then no election can be held before the month of November, 1923.

Rai Vikramajit Singh Bahadur: There is only one suggestion which I venture to make for the consideration of the Hon'ble the Minister. It is quite right that the two lists will be prepared from the Provincial Legislative Council electoral roll. The only question is that if any person finds that his name is not on the roll, whether he will be entitled to present an application and have an addition made in the roll? I know that in reference to municipalities it is always the practice that after the electoral roll is prepared objections are heard. If any one sees that his name has been omitted or that any other name which should not have been brought has been entered on the electoral roll, an application can be made and a revising committee sits and disposes of the applications. It is not a thing which is done as a matter of precedence, but it is merely done when the whole thing is ready. Therefore I do not think there will be any difficulty in considering the application either for the omission of or the addition of names by a revising committee which can be appointed by the district board as is done in the case of municipal boards. This will probably obviate any objection under this section.

Babu Gendan Lal: I propose that in paragraph 2 of new clause 209 the following words be added:—

> "and the representatives of those that have died and those that have acquired the property or holding subsequently."

The Deputy President asked if there was any objection to this motion, for which no notice had been given.

On an objection being raised, permission to move the amendment was refused.

Pandit Baijnath Misra: There is one fact that I want to bring to the notice of the Hon'ble the Minister. When the list was prepared in the year 1920 it was quite a new thing to the province. Many people did not take much notice of it, so that the mistakes that crept in those lists still continue. During the last two years many must have died and their property must have devolved upon their successors whose names are not on the list and many must have acquired property of their own. Now, if this clause is brought into the Bill, the result will be that persons whose names are not on the list will have to wait for another three years before they have a right to elect a representative to the district board. The only objection that is raised against the preparation of new lists is that there is not ample time. I do not know if that is really so, but I think that the three or four months that are still left for the election ought to be quite sufficient for the preparation of not quite a new list but a revised list which will bring in the names of those persons who possess the necessary qualifications and who are entitled to elect members for the district boards.

Rai Ravinandan Prasad Bahadur: I would like at this stage to draw the attention of the Government and the members of this House to the difficulties that might arise by adopting the last electoral roll in view of the fact that many misrepresentations or false personations might take place if the electoral rolls are not collected and brought up to date. In view of the fact that grave irregularities might occur, I think in deference to popular feeling we might hold the elections after two

months after allowing time for the correction of the electoral rolls. I do not think it would be expedient to act upon an electoral roll which is admittedly incorrect. We had better proceed upon an up-to-date and revised electoral roll.

Mr. S. H. Fremantle: The amendment before the House is to make use of the Provincial electoral roll for these elections. If it is not passed, the elections will have to be held according to a new electoral roll made up in a quite different manner. The names of all women who are qualified have to be put in; also of several members of the joint families, and boys (I mean men) who have passed the School Leaving Certificate Examination and various other people of that kind. It is a very big business. I believe I am right in saying that the electoral rolls for the Provincial Legislative Council which are very much simpler to compile took a period of about six months to prepare. I do not know how the honourable members of this House can expect that the electoral roll provided by this Bill could possibly be prepared within a space of two or three months. Also it would cost several lakhs of rupees to prepare it. I do not know who is going to find the money. If the amendment is not passed the result would be that it would be absolutely necessary to postpone the elections, and therefore the coming into force of this Bill, for probably another year, until the next cold weather. I hope honourable members will remember these points.

Munshi Narayan Prasad Ashthana: I wish to draw attention to the fact that the sanction of the Governor General might come some time in January; and if the Act comes into force some time in January it would be very difficult to get time for the purpose of receiving objections, for having a committee to decide those objections and for giving the objectors the right of appeal to the District Magistrate or the Commissioner, as the case may be, as provided in the Act. I think it would be impossible to hold the elections in March next if the electoral rolls which are suggested in these sections are not adopted.

The Hon'ble Pandit Jagat Narayan: I would have had no objection to meet the wishes of my friends, but I do really think that it would be absolutely impossible for me to give effect to their wishes. I have not got a single pice to contribute to the funds of the district boards for this purpose. No doubt my friends formed their ideas on the objections received in connection with the preparation of the electoral rolls of the municipalities. I remember, and my friend from the district of Lucknow knows, that when the electoral rolls of 1920 were prepared hundreds of applications were received. As the object of the proposed amendment is to correct the lists, then why omit the names of those who have purchased property during this period. It is very easy to ask the patwaris to give us the names of members of joint families whose revenue is separately entered in the khewat. And why not put in the names of women electors also. The question is whether it can be easily done and whether the necessary funds can be found for the printing of these corrected lists, and for their publication; whether it is possible to allow time for objections and appeals. When I proposed similar additions in connection with the Municipalities Bill, honourable members were pleased to accept them. My object is to save time and to save money. The other alternative would be to postpone the elections till the month of November next. If that be the wish of the honourable

[The Hon'ble Pandit Jagat Narayan.]

members I have no objection. I would withdraw these sections. (Voices of 'No, no.') Then I think it will be absolutely impossible for me either to finance the preparation of these rolls or for the Government to depute so many officers for the purpose of hearing objections and other matters. No doubt in principle my honourable friends are right. There are large number of persons who will no doubt be deprived of their right of voting. After all it is a make-shift arrangement and the object of this make-shift arrangement is to hold the elections next March.

Rai Kunwar Parmanand Bahadur: Sir, may I draw your attention that it is quarter past six now.

Pandit Gokaran Nath Misra: In view of the statement made by the Hon'ble the Minister and in view of the fact that the choice lies between the preparation of another electoral roll and the holding of the elections in March next I cannot agree to the proposition that the elections should be postponed and that the new district boards should not come into existence now. I waive my objection to the clauses.

The motion that clauses 209 and 210 do stand part was put and adopted.

SCHEDULES.

The three schedules to the Bill were then put and adopted.

The Council was then adjourned to the following day.

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

UNITED PROVINCES

TUESDAY, 14th NOVEMBER, 1922.

VOL. X, NO. 8.

OFFICIAL REPORT

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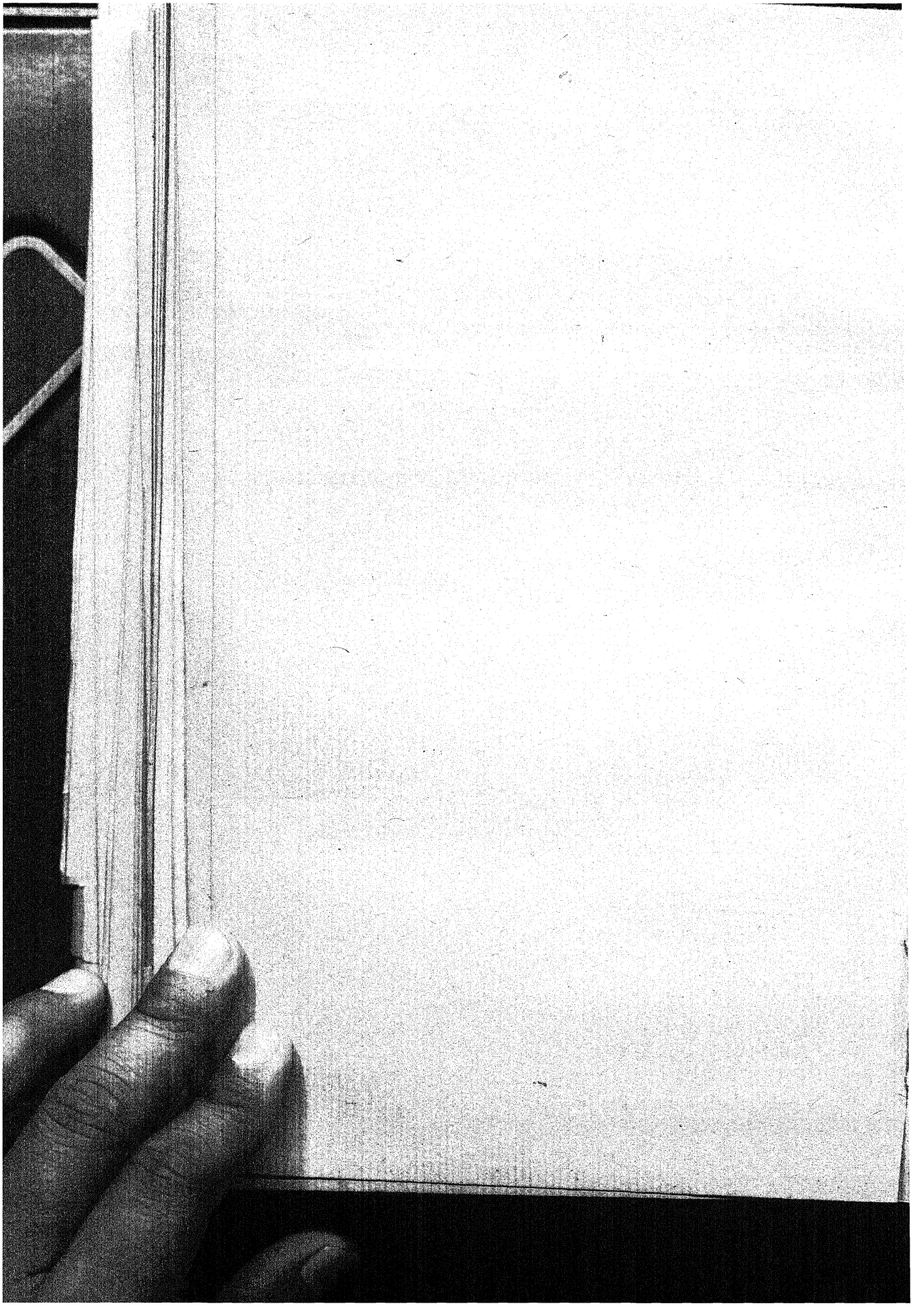
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LEGISLATIVE COUNCIL,
UNITED PROVINCES OF AGRA AND OUDH.

Tuesday, 14th November, 1922.

The Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

PRESENT:

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur.
The Hon'ble Mr. C. Y. Chintamani.
The Hon'ble Pandit Jagat Narayan.
Mr. G. B. Lambert.
Mr. H. S. Crosthwaite.
Mr. A. B. Reid.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. A. C. Verrières.
Mr. S. H. Fremantle.
Mr. R. Burn.
Mr. F. F. Sladen.
Mr. C. M. King.
Mr. F. F. R. Channer.
Mr. H. de L. Ross.
Mr. A. H. Mackenzie.
Lieut.-Col. A. W. R. Cochrane.
Mr. H. M. Leake.
Mr. L. S. White.
Mr. H. David.
Babu Khem Chand.
Rai Anand Swarup Bahadur.
Rai Ravinandan Prasad Bahadur.
Rai Kishori Lal Sahib.
Pandit Soti Vishnu Swarup.
Major Kunwar Shamsher Bahadur Singh.
Lala Shadi Ram.
Pandit Hirday Nath Kunzru.
Chaudhri Mukhtar Singh.
Pandit Nanak Chand.
Thakur Manak Singh.
Rai Man Singh Bahadur.
Rao Sheo Dhyan Singh Sahib.
Munshi Narayan Prasad Ashthana.
Rai Indra Narayan.
Raja Kali Charan Misra.
Chaudhri Sher Singh.
Chaudhri Sardar Singh.
Babu Gur Sahai.
Pandit Brijnandan Prasad Misra.
Rai Gopal Das Sharma Sahib.
Babu Gendan Lal.
Lieut. Raja Hukm Tej Pratab Singh.
Pandit Balbhadra Prasad Tiwari.
Major D R. Ranjit Singh.
Mahant Parmanand Gir.
Raja Harpal Singh.
Thakur Hanuman Singh.
Raja Indrajit Pratap Bahadur Sahi.
Bhaiya Hanumat Prasad Singh.
Pandit Baijnath Misra.
Rai Jodh Singh B. Negi Bahadur.
Pandit Gokaran Nath Misra.
Sardar Birpal Singh.
Thakur Rajendra Singh.
Rai Thakur Mashal Singh Bahadur.
Rai Kunwar Dillipat Shah, Bahadur.
Mr. K. P. Singh.
Raja Raghuraj Singh.
Rai Rajeshwar Bali.
Mirza Muhammad Sajjad Ali Khan.
Qazi Muhammad Hashim.
Lieut. Kunwar Jamshed Ali Khan.
Khan Bahadur Kunwar Inayat Ali Khan.
Khan Bahadur Chaudhri Amir Hasan Khan.
Lieut. Nawab Muhammad Ahmad Sa'id Khan.
Munshi Ata-at-mand Khan Mujibee.
Mr. Zafar Husain.
Nawabzada Muhammad Yusuf.
Khan Bahadur Shah Badre Alam.
Khan Sahib Hakim Nawab Ali Khan.
Mr. Jafer Hosain.
Khan Bahadur Shaikh Saiyid Muhammad.
Khan Bahadur Sardar Rahimdad Khan.

Munshi Muhammad Zahur-ud-din.
Lieut. Shaikh Shahid Husain.
Rai Kunwar Parmanand Bahadur.
Raja Ragho Prasad Narayan Singh.
Raja Amarpal Singh.
Thakur Nawab Ali Khan.
Thakur Jagannath Bakhsh Singh.
Rai Vikramajit Singh Bahadur.
Pandit Iqbal Narayan Gurtu.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Case of Babu Ram Saran of Moradabad.

* 1. **Pandit Brijnandan Prasad Misra**: Will the Government state why Babu Ram Saran, M.A., LL.B., of Moradabad, at present in the Rae Bareli jail, has not been classified as a political prisoner? Under what sections and laws was he convicted?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The honourable member is referred to the reply given to question No. 2 of the 3rd March last.

Transfer of Narotam Saran and Jamil Ahmad to Fyzabad Jail.

*2. **Pandit Brijnandan Prasad Misra**: Will the Government inform the Council why Dr. Narotam Saran and Mr. Jamil Ahmad have been deprived of special treatment and sent away from Lucknow to Fyzabad district jail?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: These two prisoners were misclassified by a mistake in the jail. When inquiries were made, it was recommended that they should be treated as non-political prisoners, but Government decided to treat them as second-class misdemeanants, as they had been receiving special privileges in jail for some time.

Pandit Brijnandan Prasad Misra: Were these prisoners originally punished with simple or rigorous imprisonment?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I ask for further notice.

Pandit Brijnandan Prasad Misra: After how long was the mistake committed in the jail as regards their misclassification discovered?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Further notice is required.

Diet of political prisoners.

* 3. **Pandit Brijnandan Prasad Misra**: Will the Government state the points of distinctions made in the diet of the second-class prisoners from the diet of the ordinary non-political prisoners?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Second-class misdemeanants receive the diet of persons sentenced to simple imprisonment.

Sarda Canal head-works.

* 6. **Pandit Brijnandan Prasad Misra**: Will the Government state what facilities prompted the Government to locate the headquarters of the Head-works and third division at Bareilly?

The Hon'ble Sir Ludovic Porter: A reply will be given at a later date.

[The Hon'ble the Finance Member being absent, the replies in his name were read on his behalf by the Hon'ble the Home Member.]

Executive Engineers for Sarda Canal.

*7. **Pandit Brijnandan Prasad Misra:** Will the Government state what accounts for the absence of Indian Executive Engineers in the divisions of the fifth circle and of European Executive Engineers (except for the important division of Lucknow) in the sixth circle of the Sarda canal?

The Hon'ble Sir Ludovic Porter: A reply will be given at a later date.

Promotion of Extra Deputy Conservators of Forests.

*9. **Pandit Brijnandan Prasad Misra:** Will the Government state how many Extra Deputy Conservators of Forests were transferred to the Imperial Service under paragraph 1 (1—Organization) of the circular of the Government of India, department of Revenue and Agriculture (Forest), issued at the close of May, 1920, embodying the summary of orders of the Secretary of State on the recommendations of the Public Services Commission?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Three.

*10. **Pandit Brijnandan Prasad Misra:** Will the Government inform the Council if the Government of India have since the issue of the aforesaid circular decided the question of the proportion of the Imperial Service posts to be reserved, or formed into listed posts, for the promotion of present and future Provincial Service officers other than the existing Deputy Conservators—which questions had not been settled up to the time of the issue of the circular?

If so—

(*a*) Will a copy of the orders or decision of the Government of India be laid on the table or the proportion of the Imperial Service posts thus reserved disclosed to the Council?

(*b*) How many posts have so far been filled in the Imperial Service by promotion of Provincial Service officers in compliance with the decision of the Government of India under paragraph 2 of the circular referred to in the foregoing question as distinguished from the transfers of Extra Deputy Conservators to the Imperial Service under paragraph 1 of the same circular (1—Organization)?

(*c*) If no promotion has so far been given to any Provincial Service officer under paragraph 2 of the circular, what is the delay due to, and when will effect be given to the subsequent decision of the Government come to after the issue of circular?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: A reply will be given at a later date.

Complaint against a sub-inspector, Almora.

*11. **Pandit Brijnandan Prasad Misra:** Is the Government aware that there is a strong feeling in the district of Almora against the

acquittal of the sub-inspector who was tried by the District Magistrate of Almora along with two constables for having beaten a prostitute named Parvati into whose house they were alleged to have forcibly entered on the *chaladi* day in the *Holi* festival?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The Government has no information.

*12. **Pandit Brijnandan Prasad Misra:** Will the Government send for the record of the case decided in June, 1922 by the District Magistrate of Almora convicting the two constables and acquitting the sub-inspector with a view to prefer and appeal against the order of acquittal of the magistrate after consulting legal authorities?

If not, will the Government state—

(*a*) What is the report of the District Magistrate on the preliminary inquiry held by him in the case?

(*b*) How long did the injured woman stay in the Government hospital for treatment?

(*c*) Why was the case sent for by the District Magistrate to his own court from the court of the City Magistrate?

(*d*) Why was the case tried summarily?

(*e*) If it is a fact that nobody came out to help the woman by writing her complaint and that the same was written by an ahlmad of the Deputy Commissioner's court?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The Government has seen the District Magistrate's judgment in the case and sees no ground for taking any further action.

(*a*) to (*c*) Government has no information.

(*d*) It was within the District Magistrate's power to try the case summarily.

(*e*) The petition was written by a court ahlmad.

Pandit Brijnandan Prasad Misra: Has the Government any information as to how long the injured woman remained in the hospital?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The Government has no information.

Pandit Brijnandan Prasad Misra: Is not a mention of the number of days made in the judgment itself which the Government says it has seen?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I ask for further notice.

Salt dépôts at Almora.

*13. **Pandit Brijnandan Prasad Misra:** Is it a fact that neither of the two Almora salt contractors had a dépôt at Almora and that they sold the greater part of their supplies to outside traders on account of which the Deputy Commissioner was also approached by the Almora people?

If so, will the Government inquire from the district what quantity was actually sold by the contractors to the *bonâ fide* traders of Almora at Haldwani?

The Hon'ble Sir Ludovic Porter: A reply will be given at a later date.

King Edward VII Hospital, Benares.

* 19. **Rai Ravinandan Prasad Bahadur**: Will the Government be pleased to state—

(*a*) Is it a fact that the King Edward VII Hospital was closed on the last eclipse day? If the reply to this be in the affirmative, was this hospital ever before closed on eclipse days or other festival days?

(*b*) What holidays, if any, have been allowed to the hospital staff (King Edward VII Hospital); and since when has the practice of allowing holidays to the hospital staff commenced and under whose orders?

(*c*) Who is the controlling officer over the staff of the King Edward VII Hospital, the Inspector-General of Civil Hospitals or the Board of Control?

(*d*) Is the Government aware that the financial condition of this hospital has greatly deteriorated on account of a large sum of money being spent on construction works and purchase of costly medicines by some civil surgeon, without any regard to financial condition?

(*e*) Are the sub-assistant surgeons of this hospital paid by (1) the funds provided by the Board of Control, or (2) the funds provided by the Government? If the funds are provided by the Board of Control, will the Government be pleased to state if the Board of Control is consulted with regard to the appointment, transfer or otherwise of the sub-assistant surgeons placed on duty in this hospital?

(*f*) Is it a fact that the Board of Control of the King Edward VII Hospital sanctioned in its budget the appointment of a sub-assistant surgeon belonging to a particular grade, while the Inspector-General of Civil Hospitals made arrangements contrary to the sanctioned provisions of the Board of Control?

(*g*) Has the Inspector-General of Civil Hospitals authority to override the decisions of the Board of Control? If so, please refer to the rules.

(*h*) What was the number of (1) in-door patients and (2) out-door patients in this hospital during 1920-21, 1921-22, and from April, 1922 till 30th September, 1922?

The Hon'ble Pandit Jagat Narayan: An answer will be given at a later date.

Release of Wajid Ali and Daya Kishan Ganjour.

* 20. **Chaudhri Mukhtar Singh**: Is it a fact that Messrs. Mir Wajid Ali and Daya Kishan Ganjour have been released from jail without completing the terms of imprisonment awarded to them along with the other 53 Congress members? If the answer be in the affirmative, will the Government be pleased to state the reasons for their release?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes, The local authorities recommended release.

Sureties in cases under section 110, Code of Criminal Procedure.

* 21. **Chaudhri Mukhtar Singh**: Is it a fact that in the Meerut district the magistrates are asked to consult the police before accepting any surety in convictions under section 110, Criminal Procedure Code? If the answer be in the affirmative, will the Government be pleased to state if this practice is followed in other districts of the province as well?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The practice at Meerut is that magistrates are asked to inform the prosecuting staff when they receive applications to stand surety, in order that the prosecuting staff may have an opportunity of opposing the application, if necessary. This is obviously desirable in the many cases in which the magistrate can have no personal knowledge of the applicant.

Chaudhri Mukhtar Singh: Are the magistrates authorized to take security without consulting the police officers?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: If it is permissible under the law.

Chaudhri Mukhtar Singh: But are they required by the superintendent of police not to take any security at all unless and until the information from the police is furnished?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

Chaudhri Mukhtar Singh: Has the Government made any inquiry about it?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The Government has not made any inquiry about it.

Pandit Iqbal Narayan Gurtu: Will the Government kindly make inquiries now?

The Hon'ble Raja Muhammad Ali Muhammad Khan: Yes.

* 22. **Chaudhri Mukhtar Singh**: Is it a fact that in the district of Meerut sureties for accused convicted under section 110, Criminal Procedure Code, are put under police surveillance from the time that they offer themselves as sureties? Is the above practice based upon some instructions from the Hon'ble High Court or from the Inspector-General of Police? If the answer to the latter part be in the affirmative, will the Government be pleased to put on the table a copy of those instructions?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: This is not a fact. One such case is reported to have occurred, but the person in question is no longer under police surveillance.

Chaudhri Mukhtar Singh: May I know for how long the men are kept under police surveillance?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I ask for further notice.

Time-scale for Teachers.

* 23. **Chaudhri Sher Singh**: Will the Government be pleased to state if time-scale is given to the teachers of the Model schools in accordance with G. O. No. 1624/XV—298-A-12, dated the 1st July, 1921, in which the time-scale was given to the teachers of the Subordinate Educational Service?

The Hon'ble Mr. C. Y. Chintamani: The honourable member is referred to the answer given to question No. 71 on the 1st November, 1922.

* 24. **Chaudhri Sher Singh**: Will the Government be pleased to state if the teachers of the Model schools have sent any memorials to the Government, the Hon'ble the Minister, and the Director, and what action has the Government taken on them?

The Hon'ble Mr. C. Y. Chintamani: The answer to the first part of the question is in the affirmative. As regards the second part of the question, a decision on the points raised in the memorial cannot be taken till the financial position improves.

Chaudhri Sher Singh: Is it a fact that a time-scale has been given to the teachers of the Government High Schools?

The Hon'ble Mr. C. Y. Chintamani: The honourable member is requested to repeat the question at a later date.

Police-guards at Judges' residences.

* 29. **Babu Chhail Bihari Kapur**: (*a*) In what districts are police-guards stationed at the house of the Sessions Judge?

(*b*) Is it a fact that this practice has been initiated only recently?

(*c*) Was the previous approval of the Government obtained?

(*d*) What is the strength of each such guard?

(*e*) (i) Is it for the sake of display or for security that the practice has been resorted to?

(ii) In case it be for security, will the Government kindly state why it has not been considered worth while to station similar guards at the houses of Additional Sessions Judges, Assistant Sessions Judges, Deputy Magistrates, Tahsildars, Honorary Magistrates, and members of village *panchayats*, all of whom exercise responsible functions of varying degrees of importance as Judges of criminal courts?

(*f*) What is the monthly expenditure which the employment of these guards entails?

(*g*) Will the Government withdraw these guards?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The information is being collected. An answer will be given at a later date.

Superintendent, Sarda Workshops division.

* 33. **Babu Chhail Bihari Kapur**: (*a*) Is it a fact that an officer called Superintendent, Sarda Workshop division, has been appointed although there is no workshop in existence?

(*b*) What work has he been doing since his appointment and what is the total amount of money so far spent on him?

(*c*) What is the strength of his staff and what is the monthly expenditure on the same?

The Hon'ble Sir Ludovic Porter: A reply will be given at a later date.

Activities of the Director of Malariology.

*34. **Babu Chhail Bihari Kapur:** Will the Government be pleased to lay on the table a brief account of the activities of the Director of Malariology since April last, giving some idea of the tangible benefits (if any) obtained as a result of the said activities?

The Hon'ble Pandit Jagat Narayan: (1) *Medical and sanitary work at Sarda canal from 1st April to 3rd June*, 1922.—As the result of these activities the work was carried on in the Sarda canal zone up to the middle of June. The state of health of the labourers has been good and no epidemics have occurred.

(2) *Malarial survey of Kathgodam with reference to the health of the employees associated with the transport companies.*—The recommendations made by the Director of Malariology as to better housing, protection from wet, etc., and practical measures for stamping out malaria are being taken by the authorities concerned. Detailed reports have been issued and are being acted upon.

(3) *Malarial survey of Moghal Sarai with special reference to the Oudh and Rohilkhand Railway settlement there.*—Detailed reports have been issued, but recommendations will take some time to be carried out, as they necessitate a large amount of work and expenditure and possible change of site.

(4) *Malarial investigation at Bareilly.*—This investigation was undertaken owing to the reputed high incidence of malaria in this town and district immediately after rains. The Director of Malariology as a result of investigation principally amongst the school population was able to show that Bareilly has not a true high malarial figure, as has been found in other towns such as Moradabad; and, in the Director's opinion, further investigation need not be carried on in this locality. This investigation although of a negative nature has yielded highly important knowledge for this department.

(5) Investigation is at present being carried out in the neighbourhood of Lhaksar. This is of importance both as being an important railway junction and in close proximity to Hardwar.

Restrictions on marriage processions in Bareilly.

*36. **Babu Chhail Bihari Kapur:** (*a*) With reference to my question No. 26 of the 24th October, 1922, is the Goverment aware that the Sessions Judge of Bareilly has recently suggested, in his judgment delivered in the appeal by Lala Bhurimal against his conviction under section 188, Indian Penal Code, for an alleged violation of the "standing" order in question, that the Local Government should fix a definite period of time for the order to remain in force?

(*b*) In view of the above expression of opinion, will the Government either withdraw the "standing" order in question which has now been in force for more than a year or, at the very least, fix a definite period for the order to remain in force?

The Hon'ble Sir Ludovic Porter: Government will obtain a copy of the judgment and consider the remarks, if any.

Amalgamation of the Utilization circle with the Kumaun Forest Circle.

*37. **Babu Chhail Bihari Kapur:** In view of the fact that Pandit Hirday Nath Kunzru's resolution for the amalgamation of the Utilization

circle with the Kumaun Forest circle could not come up for discussion during the October session and may not come up again for a considerable time to come, will the Hon'ble the Home Member utilize the interval to refer the question to the Forest Board for its opinion?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The whole question of the future of the Kumaun circle is already under the consideration of Government in reference to suggestions made by the Retrenchment officers, and the questions thus raised will be referred to the Forest Board.

Vacancies in listed posts.

* 38. **Babu Chhail Bihari Kapur:** (*a*) What vacancies are likely to occur in the course of the next few months in the listed posts held by the members of the Provincial Judicial Service?

(*b*) In view of the fact that members of the Provincial Judicial Service of the Agra province hold at present a smaller number of these posts than they appear to be entitled to, will the Government offer the coming vacancies to eligible officers of the Agra service?

The Hon'ble Sir Ludovic Porter: (*a*) Two, by the end of March, 1923.

(*b*) The most suitable selections will be made without reference to the province in which the officers concerned happen to be serving.

Naiks of Kumaun.

* 39. **Babu Chhail Bihari Kapur:** (*a*) What villages in the Kumaun division are the centres of "Naik" population?

(*b*) (i) Is it a fact that the following immoral practices (or any other practices allied to them) are widely prevalent among the members of the Naik community:—

(*a*) that they bring up their girls avowedly for the purpose of prostitution and that their prostitution does in fact begin in most cases at a comparatively early age?

(*b*) that they procure young girls from other castes and sell them away mostly to people from the plains?

(ii) If so, what action has the Government taken so far with a view to put a stop to these practices?

(*c*) Will the Government consider the advisability of appointing a small committee consisting mainly of enlightened local men, under the presidency of some Indian official, to investigate the existence and to propose suitable measures for the suppression of the immoral social practices prevalent in the Naik community?

(*d*) In any case (i.e., pending the introduction of new legislative measures on the subject) will the Government be pleased to call the attention of the District Officers concerned to the desirability of enlisting the general co-operation of local workers in the field of social reform (for instance, the local branches of the *Arya Samaj*, if any) and of instituting prosecution under sections 372 and 373, Indian Penal Code, in cases appearing to fall under them?

The Hon'ble Sir Ludovic Porter: A statement is laid on the table.

Statement referred to in the answer to Council question No. 39* *for the meeting of the* 14*th November*, 1922, *asked by* BABU CHHAIL BIHARI KAPUR SAHIB.

(*a*) Naikana in Naini Tal, and Naikana Bara, Naikana Chhota, and Raurh in Garhwal were in 1913 reported to be purely Nayak villages. There is no list of such villages in the Almora district on record in the Secretariat. Families of Nayaks were also reported to be resident in certain other villages in Garhwal.

(*b*) (i) (*a*) Nayak girls ordinarily do not marry and are brought up to a life of prostitution from an early age.

(*b*) Inquiries were made in 1913 and no evidence of the custom of procuring girls from other castes was obtained.

(ii) A copy of Government letter No. 3373/VI—517, dated the 29th August, 1913, which contains a brief outline of Government action up to that date, is laid on the table. The *Arya Pratinidhi Sabha*, United Provinces, was in that letter invited to take an interest in the social uplift of these people, as there had been signs that in one village, at least, Nayaks were taking to *Arya Samaj* doctrines. In 1920 the president of the *Arya Pratinidhi Sabha*, United Provinces, addressed Government in the matter and, as a result, a grant of Rs. 30 was sanctioned for scholarships to be given at the discretion of the *Sabha* to the children of Nayaks.

(*c*) In the opinion of the Government, no useful purpose would be served by such a committee. The existence of the evil is well known, but the evil is a social one which dates back to the remote past and its removal is much more likely to come from reform within the caste than from pressure from without. The Government, however, will be glad to consider any practical measures of amelioration that may be submitted to it.

(*d*) Social reform is primarily a matter for non-official efforts and, in the opinion of the Government, the initiative should be taken by others than district officials, except in cases where the Criminal Law is transgressed. For this reason Government does not consider it necessary to address District Officers on the lines suggested at the prssent stage.

Copy of a letter No. 3373/*VI*—517/1913, *dated Naini Tal, the* 29*th August*, 1913, *from* B. H. BOURDILLON, ESQ., I.C.S., *Under Secretary to Government, United Provinces, Judicial (Criminal) department, to* SWAMI TULSI RAM, *president, Arya Pritinidhi Sabha, United Provinces, Meerut, referred to in the statement attached to the answer to question No.* * 39 *for the* 14*th November*, 1922.

I AM directed to address you on the subject of the Nayak tribe of the Kumaun division.

You are no doubt aware of the objectionable custom which obtains amongst the people of this tribe of condemning every female born among them to a life of prostitution. There is no need to dilate on the fact that the fact is one which must have a far from elevating effect on the community and His Honour the Lieutenant-Governor desires that a strong effort should be made to eradicate the evil.

The Government has therefore under consideration the question of how the reform can be brought about. Efforts have been made for

more than half a century to stop the practice and as far back as 1857 a Government order was passed to prevent the practice of exporting female children for the purpose of training them to become prostitutes in towns in the plains.

This practice was rendered penal by a regulation issued at the time; but there are legal difficulties in the way of enforcing that regulation now. Rules were framed in 1885 by which parents of Naik girls had to register their births and report the absence of such girls from their houses before they attained the age of 16. Until 1911 orders were in existence that girls must apply to the Deputy Commissioner of their district to have their names struck off the register after they became 16 years of age, but in that year these orders were cancelled, although registration of births continued, as it was considered inadvisable to afford any colour to the impression (even though it is a mistaken impression) that the Deputy Commissioner gives anything approaching a recognition of the right of a girl to become a prostitute.

2. It has been suggested that the matter is one which should form the subject of special legislation, but the Lieutenant-Governor dssires to avoid this if possible. The great difficulty to be first overcome is that there is at present no legal marriage possible for the women. The tribe claim that they are Kshatriyas and therefore observe the ordinary Rajput rules of exogamy and so do not marry in their own tribe. The men marry women of an outside tribe usually Khasia Rajputs, but as will be understood the women as long as the present conditions exist will find it impossible to find husbands.

It is therefore apparent that the first steps towards reform must be in the direction of overcoming the Naiks' ideas as regards intermarriage.

The Government is informed that the people of the Ramgarh Naik village are taking to *Arya Samaj* doctrines and the men are willing to give up the prostitution of their daughters and that arrangements are being made to send some of them to the *Arya Samaj* schools in the Punjab.

3. I am to inquire whether the *Arya Pratinidhi Sabha* are interested in their movement and would be willing to make a definite step forward in the direction of education of the Naik girls and breaking down the prejudice against marriage with them.

Irregularities in attendance, of honorary magistrates, Oudh.

*40. **Babu Chhail Bihari Kapur**: With reference to the following remarks in the note on the administration of Criminal Justice in the Province of Oudh for the year ending the 31st December, 1921, will the Government kindly state what action it proposes to take to put an end to the evil noted by the Judicial Commissioner :—

"An honorary magistrate does not always consider it incumbent on him to attend on the date fixed, unless he is absolutely free and at leisure. It is not uncommon to find an order recorded that the case will stand adjourned, as one of the honorary magistrates is away from the station. Such adjournments involve inconvenience and expense to the parties and their witnesses and should be obviated."

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The matter is receiving the attention of Government.

Erosion by the Ramganga at Bareilly.

*42. **Babu Chhail Bihari Kapur:** (*a*) Is the Government aware that in consequence of the erosive action of the Ramganga during the last rains, a substantial portion of the *abadi* of Bakarganj (one of the mahallas of Bareilly city) has been washed away and that the remaining portion is within the danger zone?

(*b*) How many people have already been unhoused and how many are living in the danger zone?

(*c*) Has any accommodation been provided to the unhoused population of Bakarganj and, if so, where and on what terms and to how many persons?

(*d*) Is mahalla Bakarganj or either of the railway lines passing in its neighbourhood exposed to danger?

(*e*) What does the Government now propose to do to prevent further erosion?

(*f*) What is the extent of the damage caused during this year by erosion?

The Hon'ble Pandit Jagat Narayan: The answer will be laid on the table at a later date.

Deputy Directors of Agriculture.

*43. **Babu Chhail Bihari Kapur:** Will the Government kindly supply the following information in connection with the five new All-India Agricultural Service posts of Deputy Directors of Agriculture referred to in paragraph 3 of the report on the Administration of the department of Agriculture for the year ending the 30th June, 1922:—

(*a*) When was the Secretary of State's sanction applied for?

(*b*) Was the question referred to the Finance Committee?

(*c*) Does the Hon'ble the Minister of Education intend to avail himself of the Secretary of State's sanction or will he consider the advisability of abandoning the present proposal in favour of one for the creation of an equal or smaller number of posts in the Provincial Agricultural Service?

The Hon'ble Mr. C. Y. Chintamani: (*a*) In December, 1920.

(*b*) Yes, of the late Council.

(*c*) The suggestion will be considered.

The Indian Civil Service Association.

*43. **Babu Chhail Bihari Kapur:** (*a*) Is the Government aware that agenda of the last annual general meeting of the United Provinces Indian Civil Service Association included, *inter alia*, the following item for consideration:—

"That every member of the association be required as a condition of his membership to undertake to obey any order which a general meeting of the association may decide to issue, or may authorize the committee to issue, to the members of the association?"

The Hon'ble Sir Ludovic Porter: The Government has no information.

Overseer in charge of new Council Chamber.

* 45. **Rai Kishori Lal Sahib**: Is it a fact that a Roorkee-passed overseer has been put in charge of the construction of the new Council Chamber? Has he any special qualifications?

*46. **Rai Kishori Lal Sahib**: If so, will the Government be pleased to state the pay that he is drawing?

*47. **Rai Kishori Lal Sahib**: Was there no engineer in service fit to be appointed to the aforesaid charge?

* 48. **Rai Kishori Lal Sahib**: Could no qualified engineer be had on the same pay that the appointed overseer is drawing?

***45. The Hon'ble Sir Ludovic Porter**: Khan Bahadur Hire Khan is an Assistant Engineer in the United Provinces Engineering Service. He was Executive Engineer, Agra division, for about one year and eight months, drawing a salary of Rs. 900 per mensem. He is an officer of an exceptionally good record in the Public Works department. His experience in architotural and archæological building work has been considerable and he is one of the best builders in these provinces. He is in consequence well-suited for his present appoinment.

* 46. Rupees 1,200 per mensem consolidated.

* 47. Yes, there are several engineers qualified for the appointment.

* 48. Qualified engineers on the same pay can be had, but in view of his past experience he was considered well-suited for the post.

Major D. R. Ranjit Singh: Is the Government aware that the Gynæcological ward which was built by this officer in the Agra Medical School cracked immediately after the building was completed?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: In the absence of the Hon'ble the Finance Member I ask for further notice.

Pandit Iqbal Narayan Gurtu: Will Government kindly make inquiries as to whether that officer had built that ward and that the ward cracked immediately after?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Inquiries will be made subject to the agreement of the Hon'ble the Finance Member.

Notified area, Dibai, Bulandshahr.

*49. **Pandit Nanak Chand**: (*a*) Will the Government be pleased to state the total number of voters for the notified area, Dibai, district Bulandshahr, stating the number of Hindu and Muslim voters separately according to the register under which elections were held during October, 1922?

(*b*) What was the number of seats to be filled by election and nomination respectively for notified area, Dibai?

(*c*) What was the number of Hindu and Muslim members respectively up to March, 1922 and also from April to September, 1922?

(*d*) Was any seat vacated in March, 1922, if so, how and by whom was it filled?

* 50. **Pandit Nanak Chand :** (*a*) Will the Government be pleased to state if 23rd October, 1922 was fixed for election of members of notified area, Dibai?

(*b*) Is it a fact that the tahsildar and naib-tahsildar of Anupshahr were, in October, 1922, both Muhammadans and the tahsildar is *ex officio* president of Dibai notified area ?

(*c*) Is it a fact that the sub-inspector in charge of Dibai police station and police circle inspector and the secretary, Dibai notified area, were all Muhammadans in October, 1922 ?

(*d*) Does the circle inspector of police generally reside at Dibai, where he has got his headquarters ?

(*e*) Is it a fact that the tahsildar, the naib-tahsildar, the sub-inspector, in charge, the circle inspector of police, and the secretary, notified area, were all present at the polling station when the votes were being recorded ?

(*f*) How far is it true that the entire staff of the Dibai notified area, with the exception of the scavengers, were, in October, 1922, all Muhammadans?

*51. (*a*) **Pandit Nanak Chand:** What was the number of Hindu and Muslim candidates respectively for election to the Dibai notified area in October, 1922 ?

(*b*) Did any Hindu candidates tender applications withdrawing their candidature on the polling day to the returning office, if so, what was the number of such candidates ?

(*c*) Will the Government be pleased to lay the copies of the applications for withdrawal addressed to the returning officer on the table ?

* 52. **Pandit Nanak Chand :** (*a*) Will the Government be pleased to state if any telegrams were sent to the District Magistrate, Bulandshahr, and the Commissioner, Meerut division, by the candidates who withdrew ?

(*b*) Was any telegram sent to the District Magistrate, Bulandshahr, by some of the voters ?

(*c*) Will the Government be pleased to lay the copies of the telegrams on the table ?

(*d*) Is it true that in the joint application of withdrawal by six candidates and in these telegrams complaints against the high-handedness and partiality of the police and other officers were made ?

(*e*) Have any further representations been received by the District Magistrate, Bulandshahr, and the Commissioner, Meerut division, about these elections ?

(*f*) Will the Government be pleased to lay copies on the table ?

(*g*) What action, if any, did the District Magistrate, Bulandshahr, and the Commissioner, Meerut division, take ?

* 53. **Pandit Nanak Chand :** (*a*) What is the population of Hindus and Muslims respectively in Dibai notified area ?

(*b*) Has any number of seats been allotted to any community, if so, what are those numbers; if not, does the Government propose to fix any numbers ?

(*c*) Is there a system of separate electorate for Hindus and Muslims in notified notified area, Dibai, or is it a mixed electorate ?

(*d*) Does the Government propose to take any action in the matter and, if so, what steps does it propose to take ?

* 54. **Pandit Nanak Chand :** (*a*) Will the Government be pleased to give the names of candidates who were declared elected on the 23rd October, 1922, at Dibai ?

(*b*) What is the total number of voters who recorded their votes on the 23rd October, 1922 ?

(*c*) What is the number of votes secured by each of the candidates who were declared elected ?

Notified area, Anupshahr, Bulandshahr.

*55. (*a*) **Pandit Nanak Chand :** Will the Government be pleased to state if the 24th October, 1922 was fixed for election of members of Anupshahr notified area, district Bulandshahr ?

(*b*) Will the Government be pleased to state if any telegrams were sent to the District Magistrate, Bulandshahr, Commissioner, Meerut division, and His Excellency the Governor complaining against the naib-tahsildar and the manner in which election was conducted by the returning officer ?

(*c*) Is it a fact that the returning officer at Anupshahr was the tahsildar of Anupshahr?

(*d*) Were any reports made at the police-station, Anupshahr, about any incidents connected with the election proceedings on the 24th October, 1922 ?

(*e*) Have any further representations been received by the authorities in this connection ?

(*f*) Will the Government be pleased to state if any, and what, action has been taken or is proposed to be taken ?

The Hon'ble Pandit Jagat Narayan : Answer will be placed at the table at a later date.

Patwari circles in Bulandshahr.

* 56. **Pandit Nanak Chand :** (*a*) Will the Government be pleased to give the number of patwari circles in Bulandshahr district ?

(*b*) How many of these circles have officiating patwaris ?

(*c*) In how many cases of appointing officiating patwaris has the consent of zamindars been obtained and how many have been working without such consent and have been appointed by qanungos ?

(*d*) When was arrangement of patwari circles first submitted to the Board of Revenue by the Settlement Officer for their sanction ?

(*e*) Has the Board of Revenue communicated its final decision to the district authorities, if so, when, if not, when is it likely to be done ?

The Hon'ble Sir Ludovic Porter : (*a*) Two hundred and sixty-three.

(*b*) A number of circles have officiating patwaris pending redistribution of circles. It does not seem worth while to make inquiries as to what the exact number is.

(c) The consent of the zamindars is not taken to officiating appointments.

(d) and (e) On the 13th June, 1921. The proposals were returned with the Board's criticisms on 30th August, 1921, for reconsideration and revision and have not again been received.

Arms licences in Bulandshahr.

* 62. **Pandit Nanak Chand**: Will the Government be pleased to lay a statement on the table giving the names of new licensees for fire-arms who have been given such licences during the last 18 months in Bulandshahr district, stating the amount of revenue or income-tax paid or other qualification of each licensee?

*63. **Pandit Nanak Chand**: Will the Government be pleased to lay on the table a statement showing the names of—

(1) persons who applied for fire-arms licences,

(2) persons who applied for the renewal of fire-arms licences,

during the last 18 months in Bulandshahr district and who were not granted such licences, stating the amount of income-tax or revenue paid by each of the applicants and the grounds of rejection in each case?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: An answer will be given at a latter date.

* 64. **Pandit Nanak Chand**: Will the Government be pleased to state the names of persons in Bulandshahr district who were awarded fire-arms for their war services by the Government and who have been refused licences to hold such firearms, with grounds for such action in each case?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No licence is required for the possession of any fire-arms presented by Government on account of war services.

Murder of Bhim Sen and licence of fire-arms in Bulandshahr.

* 65. **Pandit Nanak Chand**: (a) Is it a fact that one Bhim Sen, Brahman, money-lender, of Pali, police-station Jahangirabad, district Bulandshahr, was brutally murdered and his house and belongings burnt to ashes by a gang of dacoits and enemies in the month of February or March, 1922?

(b) Is it a fact that Prabhu Dayal, son of the deceased, applied twice for a licence for a breech-loading gun for personal safety from his enemies?

(c) Is it a fact that on both occasions the District Magistrate disallowed the application?

(d) Will the Government be pleased to lay the copies of the orders passed on the applications and if possible, the copies of the applications on the table?

(e) What has been the result of the murder case started on the death of Bhim Sen?

(f) Is the Government aware that Prabhu Dayal has to lead a nomadic life for fear of being murdered by his enemies for having deposed against them in the murder case?

(g) Does the Government propose to take any steps to grant relief to Prabhu Dayal by granting him a licence for a fire-arm applied for?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Inquiry is being made.

Seth Kesho Ram and arms licences, Anupshahr.

*66. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state the amounts of revenue and income-tax paid by Seth Kesho Ram of Anupshahr, district Bulandshahr?

(*b*) Is it a fact that Seth Kesho Ram applied for the renewal of his fire-arm licence?

(*c*) What were the fire-arms for which renewal was sought?

(*d*) Was his licence renewed or rejected; if the latter be the case, what were the grounds and the circumstances which necessitated rejection of the application for renewal?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Government has no information.

Pandit Nanak Chand: Will the Government be pleased to make inquiries about it?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes.

Residence of Principal, Intermediate College, Bulandshahr.

*67. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state if any instructions were issued to the Public Works department officers that the Principal of the proposed Intermediate College, Bulandshahr, shall be an officer of Indian Educational Service grade?

(*b*) Has the Principal's residence been so designed as to suit European officers only?

(*c*) Is it the intention of the Government not to appoint any Indian to that post, and, if so, why?

(*d*) Is the plan and accommodation provided just the same as that for the Principal, Agra Training College?

(*e*) Will the Government consider the possibility of putting up a less costly building which may suit the requirements of both Indians or Europeans?

Mr. C. Y. Chintamani: (*a*) Instructions were issued to the effect that the Principal would be an Indian Educational Service officer, but these were subsequently cancelled.

(*b*) No.

(*c*) No.

(*d*) No.

(*e*) Does not arise.

Release of prisoners in the Katarpur riot case.

*68. **Pandit Nanak Chand:** (*a*) Did the Government receive a few months ago an influentially signed memorial praying for release of prisoners convicted in the Katarpur riot case?

(*b*) Will the Hon'ble the Home Member be pleased to recommend their release to His Excellency the Governor on the occasion of his departure from these provinces?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) A memorial on behalf of the Katarpur prisoners was received in June

from a number of *mahants* of Hardwar. It was addressed to and has since been rejected by the Government of India.

(*b*) The utmost possible clemency has already been shown to these prisoners as will be indicated by the figures in the annexed statement, and Government is not prepared to make any further reductions of sentence.

Statement referred to in the answer to question No. 68 asked by PANDIT NANAK CHAND SAHIB *on the 14th November*, 1922.

Nature of original sentence and number of prisoners concerned.		Number of prisoners in whose case commutation or reduction has been made.	
Sentenced to death	8	Commuted to transportion for life ..	4
Sentenced to transportation for life..	135	Commuted to rigorous imprisonment from four to ten years	72
		Released	1
Sentenced to seven years' rigorous imprisonment	2	Reduced to two years' rigorous imprisonment	1
		Reduced to three years' rigorous imprisonment	1

Five old and infirm prisoners have been released.

Removal of lower classes from Intermediate Colleges.

*69. **Pandit Nanak Chand**: Will the Government be pleased to consider the possibility of removing the lower school classes in the case of any new Government Intermediate Colleges which the Government may be contemplating to open, with a view to lessen the cost on buildings and staff for such classes where sufficient schools exist which may work as feeders to the colleges?

Mr. C. Y. Chintamani: Yes.

Committee of inquiry into alleged cases of terrorism in Basti.

*70. **Pandit Nanak Chand**: Will the Government be pleased to state what action it proposes to take on the recommendation of the Council for the appointment of a Committee of Inquiry on the 24th of October, 1922, to inquire into cases of alleged terrorism in the Basti district?

Withdrawal of the Criminal Law Amendment Act from the United Provinces.

*71. **Pandit Nanak Chand**: (*a*) Does the Government propose to give effect to the resolution passed by this Council on the 25th October, 1922, for the withdrawal of Criminal Law Amendment Act from these provinces?

(*b*) If so, when and what effect is proposed to be given?

Amnesty for political prisoners.

*72. **Pandit Nanak Chand**: What action, if any, has the Government decided to take on the resolution of Rai Bahadur Vikramajit Singh passed by this Council on the 26th of October, 1922, for the grant of general amnesty to political prisoners?

The Hon'ble Sir Ludovic Porter: The matter has not yet been considered. Meetings of Government and of the Executive Council are seldom held when the Legislative Council is sitting.

Creation of District Advisory Committees.

*73. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state when and what steps it proposes to take to give effect to the assurance given by the Government on the resolution recommending the creation of District Advisory Committees?

(*b*) Does the Government propose to invite public opinion on the rules governing the constitution, functions and powers of these committees?

(*c*) If so, when are the rules intended to be published?

The Hon'ble Sir Ludovic Porter: The matter has still to be considered.

Jail visitors.

*74. **Pandit Nanak Chand:** (*a*) Will the Government be pleased to state when the Government proposes to give effect to the resolution for the appointment of jail visitors which has been accepted by the Government on the 27th October, 1922?

(*b*) Does the Government propose to publish rules governing the appointment, functions, and powers of the jail visitors and also the conditions under which they will be eligible to visit the jails?

(*c*) Does the Government propose to accept all the recommendations of the Jail Commission with respect to jail visitors, or does it propose not to accept any recommendations; if so, what are those recommendations?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) It is hoped to do so at an early date.

(*b*) It is intended to incorporate such rules in the Jail Manual.

(*c*) It is not possible at present to indicate to what extent the rules will be in accordance with the detailed recommendations of the Jails Committee.

Cases under section 110, Criminal Procedure Code.

*75. **Pandit Nanak Chand:** With reference to starred question No. 52 asked by Chaudhri Mukhtar Singh Sahib on the 28th October, will the Government be pleased to inquire and lay a statement on the table showing the names of the districts where the practice of consulting the sub-divisional officers by the superintendents of police prevails in cases falling under preventive sections of Criminal Procedure Code before they are chalaned by the police?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Inquiry will be made.

UNSTARRED QUESTIONS.

Sarda canal.

4. **Pandit Brijnandan Prasad Misra:** Will the Government show the total expenditure incurred on the Sarda canal, specifying the amounts expended under the following sub-heads:—

(*a*) Establishments.

(*b*) Works.

(*c*) Special tools and plant imported from England,

(*d*) Any other miscellaneous expenditure ?

The Hon'ble Sir Ludovic Porter : A reply will be given at a later date.

5. **Pandit Brijnandan Prasad Misra :** (*a*) Will the Government state why is local allowance granted to the officers of the Canal department ?

(*b*) What is the justification for granting local allowance to the officers of the Canal department who are posted in districts like Lucknow, Sitapur, Hardoi, and Kheri ?

The Hon'ble Sir Ludovic Porter : A reply will be given at a later date.

8. **Pandit Brijnandan Prasad Misra :** (*a*) Will the Government state at what rate of compensation was land acquired in the district of Pilibhit for the Sarda canal ?

(*b*) In view of the general dissatisfaction at the inadequacy of compensation, will the Government allow all compensation to be paid at the rates fixed in the Board's circulars ?

The Hon'ble Sir Ludovic Porter : Inquiries are being made and a reply will be given later.

Cesses and settlement operations in Pilibhit.

14. **Pandit Brijnandan Prasad Misra :** Will the Government inform the Council if the cesses of the nature of rent were not taken into consideration by the officer in charge of the settlement operations in Pilibhit and were not consolidated in the amounts fixed as grain rents payable by occupancy tenants in the settled area ?

(*a*) If these cesses were not consolidated in the commuted rents, will the Government state why this was not done as is expressly desired under various orders and decisions of the Board of Revenue ?

(*b*) Will the Government state the cesses that had received its sanction at the last settlement of the district of Pilibhit ?

Mr. G. B. F. Muir : An answer will be given at a later date.

15. **Pandit Brijnandan Prasad Misra :** Will the Government inform the Council if any record officer had been appointed during the settlement of Pilibhit ? Will a copy of the order of his appointment be laid on the table ?

Mr. G. B. F. Muir : An answer will be given at a later date.

Headquarters of Conservators of Forests, Naini Tal.

16. **Pandit Brijnandan Prasad Misra :** Will the Government state the duties, if any, of the Conservators of the Eastern and Western circles of the United Provinces Forest that necessitate the location of their headquarters at Naini Tal and that cannot be performed from any place their own jurisdiction ?

Mr. A. B. Reid : As regards the Eastern circle, the honourable member is referred to the replies given to questions Nos. 40, 41, and 43 asked by Mirza Muhammad Sajjad Ali Khan on the 27th October, 1922.

As regards the Western circle a very large part of the Naini Tal district is in the jurisdiction of the Conservator and the headquarters of

the district are obviously the most suitable place for his headquarters from every point of view. The reasons given in reply to question No. 40 (3) and in the second part of the reply to question the 41 referred to above also apply.

Inquiry into forest offences.

17. **Pandit Brijnandan Prasad Misra:** (*a*) Will the Government inform the Council if it is a part of the duty of the district forest officer to himself ascertain the truthfulness or otherwise of the alleged forest offences in his jurisdiction in the days of tour instead of relying wholly on the investigation of the rangers ?

(*b*) If it is not so, will the Government think of the advisability of making it a part of their duty ?

Mr. A. B. Reid: (*a*) The answer is in affirmative.

(*b*) Does not arise.

Cattle-breeding in the United Provinces.

18. **Pandit Brijnandan Prasad Misra:** Will the Government state the practical steps it has so far taken for improving cattle-breeding in the United Provinces ?

Mr. A. B. Reid: For information on the steps recently taken the honourable member is referred to Appendix XI of the Administration Report of the Agriculture department for 1921-22.

Convictions of political prisoners.

25. **Babu Khem Chand:** (i) Will the Government be pleased to lay on the table the following information concerning the conviction of the political prisoners of each district of these provinces :—

(*a*) Their names.

(*b*) Dates and periods of sentences.

(*c*) Numbers of them classified as non-political or political, with names.

(*d*) Names of those still in prison.

(*e*) Nature of treatment of those still in prison.

(*f*) Whether any of them have been sent to jails out of their own district ? if so, their names and the place of their incarceration.

(*g*) Whether any of them are of the depressed classes ; if so, their names and residence ?

(ii) Has the Government released any of the prisoners mentioned above in commemoration of the visit of His Royal Highness the Prince of Wales ; if so, what are their names ?

Mr. G. B. Lambert: (i) The Government has already given a large amount of information on the subject. To prepare the detailed statements asked for by the honourable member would involve an amount of labour and expense out of all proportion to the value of any additional light which they would throw on the general question, and the Governor in Council does not, in the interests of economy in time and money, propose to undertake it.

(ii) No.

Forest rights of villages in Naini Tal district.

26. **Rai Narayan Dat Chhimwal Sahib :** In the answer to my question No. 19 for the meeting of 1st March, 1922, regarding forest rights to villages of Naini Tal, the following villages were omitted in 1878 from the record of rights granted in the Ramnagar reserved forests :— (i) Kyari, (ii) Chorpani, (iii) Lutabar, (iv) Shiulalpur, (v) Telipur, (vi) Puchari, (vii) Nayangaon, (viii) Dauna. Will the Government be pleased to made inquiry as to the rights of these villages in the Ramnagar reserved forests ?

Mr. A. B. Reid : As stated in the reply given to the honourable member to his question No. 19 of the 1st March, 1922, an inquiry will be made concerning the reasons why no rights were admitted at the settlement of 1878 to the villages now specified.

27. **Rai Narayan Dat Chhimwal Sahib :** Is the Government aware that the rights which were given to the residents of Mandi Haldwani and Chorgalia and other places in Naini Tal district are now no longer in their possession owing to the wholesale contract given for articles prepared in the forests of these places ?

(i) If the answer is in the affirmative, will the Government be pleased to state its reasons for the change made ?

(ii) If the answer is in the negative, will the Government be pleased to inquire about this and ask the forest authorities to restore the rights of the people ?

Mr. A. B. Reid : The answer is in the negative. If, as appears, the right to which the honourable member refers is the right of hill people to take mats for their own use from Chorgalia and Haldwani to their houses in the hills free of duty, no such duties have been levied by any forest authorities, and in consequence no rights have been taken away.

Ramnagar-Kumaria Railway Survey.

28. **Rai Narayan Dat Chhimwal Sahib :** (i) Will the Government be pleased to state the result of the Ramnagar-Kumaria Railway Survey ?

(ii) When is the Government going to start the work of this line ?

Mr. A. C. Verrieres : (1) The result of the Survey of the Ramnagar-Kumaria area was that a conclusion was arrived at that a railway between these places would not be remunerative.

(2) In view of the foregoing, Government do not propose to proceed further in the matter.

Professors with European qualifications in aided colleges.

31. **Babu Chhail Bihari Kapur:** (*a*) Will the Government kindly state whether there is any order of the Government to the effect that aided colleges must employ a certain number of professors with European qualifications ?

(*b*) If so, will the Government lay a copy of the said order on the table ?

The Hon'ble Mr. C. Y. Chintamani : There is no such order.

Appointments in the Irrigation department.

32. **Babu Chhail Bihari Kapur** : (*a*) Is it a fact that a number of persons hailing from other provinces have recently been appointed to Government service in the 5th circle of the Irrigation department ?

(*b*) (i) Was the previous sanction of the Government obtained by the appointing authority to the departure made in this case from the provisions of article 340 of the Manual of Government Orders ?

(ii) If not, will the Government communicate to the subordinate authority concerned its disapproval of the latter's action and take such other measures as may be necessary to nullify the effect of the past mistake ?

The Hon'ble Sir Ludovic Porter : Inquiry is being made and a reply will be given later.

Evidence recorded by Excise Committee.

35. **Babu Chhail Bihari Kapur** : With reference to my question No. 94 of the 25th October, 1922, will the Hon'ble the Minister of Education kindly lay on the table of the House the evidence recorded by the Excise Committee in order that such of the members as may be interested therein may have an opportunity of perusing the same ?

Mr. H. S. Crosthwaite : A copy is laid on the table.

Post mortem examination of prisoners dying in the Lucknow Central Jail.

41. **Babu Chhail Bihari Kapur** : (*a*) Will the Government kindly state the names of the prisoners who died in the Lucknow Central Prison in July last ?

(*b*) (i) Was a post mortem examination held on the body of any of them ?

(ii) What did the post mortem examination disclose ?

(*c*) Is it a fact that it was represented to the Superintendent by some of the inmates of the prison that in one case the deceased had been struck with a stick by one of the warders ?

(*d*) (i) If so, will the Government direct a full independent inquiry into the matter and place the result of the inquiry on the table ?

(ii) In case the inquiry has to be entrusted to the Superintendent of the prison, will the Government kindly associate a non-official with him in the inquiry ?

Mr. L. S. White : An answer will be given at a later date.

Excise revenue.

44. **Babu Chhail Bihari Kapur** : Will the Government kindly lay on the table the figures of excise revenue realized during the first six months of the current financial year (i. e., 1st April, 1922 to 30th September, 1922), together with corresponding figures for the past three years ?

Mr. H. S. Crosthwaite : The figures are given below :—

	Rs.
1919-20	81,93,000
1920-21	93,02,000
1921-22	68,03,000
1922-23	64,85,000

Inspection of Primary and Central Societies by Registrars.

59. **Pandit Nanak Chand**: (*a*) Will the Government be pleased to lay a statement showing the names of primary and central societies in each district inspected by the Deputy Registrar or Assistant Registrars, with the dates of the visits if possible during the last two years ending 30th September, 1922, to supervise the work of auditors and junior Assistant Regirtrars?

(*b*) Has the Registrar been able to visit any primary and central societies during the last two years ending on the 30th Septemher, 1922; if so, what is the total number of such visits?

(*c*) If these officers have not been able to visit such societies in appreciable numbers, will the Government be pleased to draw their attention to the desirability of such visits to check the work of subordinate officials?

Mr. A. B. Reid: (*a*) Complete information regarding the number of societies inspected by the officers of the department is not catalogued in the Registrar's office, but the Deputy Registrar and the Assistant Registrars regularly inspect every year in the course of their tours almost all the central societies in the respective circles and also a fair number of primary societies. It is not thought necessary to expend time and labour upon the collection of the very detailed information wanted by the honourable member.

(*b*) The Registrar too inspects every year almost all the central societies in the Western circle, and a considerable number of such societies in the Eastern circle. He also visits some primary societies to satisfy himself about their working.

(*c*) Government do not think that the action suggested by the honourable member is called for.

Dasehra **vacations in Civil Courts.**

60. **Pandit Nanak Chand**: Has the Government or the High Court reduced the number of *Dasehra* vacations for civil courts to five days? If so, will the Government be pleased to take steps to increase these holidays to 10 days for civil courts?

Mr. L. S. White: The *Dasehra* civil court holidays in the Province of Agra have been curtailed to the extent of four days by the High Court. This was done in order to compensate for the loss of working days which would otherwise have been occasioned by the change of the vacation from the autumn to part of the months of May and June, and Government is not prepared to take any action in the matter.

Dr. Thakur Mahadeo Singh.

61. **Pandit Nanak Chand**: (*a*) Is it a fact that Dr. Thakur Mahadeo Singh is specially qualified in agricultural chemistry?

(*b*) How is the Government utilizing his special qualificotions?

Mr. A. B. Reid: (*a*) Dr. Thakur Mahadeo Singh took his degree with "soils" as his chief subject, but he is as qualified for general agricultural work as for the work of agricultural chemistry.

(*b*) In the opinion of Government his present officiating appointment as Deputy Director of Agriculture ensures full use of his qualifications.

INFORMATION AS TO QUESTIONS ASKED AT PREVIOUS MEETINGS.

Answer with reference to question No. 66 (listed for 5th August, 1921, asked by* KUNWAR ANAND SINGH SAHIB *at the Council meeting of the 8th August, 1921.*

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : *Clause (b).*—Twelve persons were convicted in the Naini Tal district, of whom three were sentenced to seven years' rigorous imprisonment each, and one to four years' rigorous imprisonment. The remaining eight were fined, amounts varying from Rs. 50 to Rs. 80 each.

None of the persons convicted were members of the Kumaun Parishad.

Sixty-four persons were convicted in the Almora district, and sentences varying from whipping and fines to seven years' rigorous imprisonment were passed.

Of those convicted two were known to be members of the Kumaun Parishad.

Ten persons were convicted in the Garhwal district, and sentences varying from fines of Rs. 2 to Rs. 150 and from imprisonment for one day with a fine of Rs. 50, to imprisonment for one year, with a similar fine, were passed.

None of those convicted were members of the Kumaun Parishad.

Clause (c).—272.

The fines imposed amounted to Rs. 1,316.

Clause (g).—Yes.

At the request of the divisional forest officer disciplinary action was taken by the school authorities, the chief culprit having been punished by deprivation of all privileges for a year. The case was clearly one of schoolboy mischief done without realization of the seriousness of the offence.

*Answer with reference to questions Nos. *68 to *70 (listed for 10th August) asked by* CHAUDHRI MUKHTAR SINGH *at the Council meeting of the 9th August, 1921.*

Kunwar Jagdish Prasad : The honourable member is referred to the explanatory memorandum attached to the supplementary estimates presented to the Council on the 2nd April, 1921. The reasons for making the grant are explained in the note on demand No. 4.

*Answer with reference to question No. *19 asked by* CHAUDHRI MUKHTAR SINGH *at the Council meeting of the 27th October, 1921.*

The Hon'ble Pandit Jagat Narayan : Answers to parts one and two of the question are in the affirmative. The question of how to recompense district boards for the wear and tear caused to their roads by motor lorries is under consideration.

Answer with reference to question No. 14 asked by* BABU CHHAIL BIHARI KAPUR *at the meeting of the 31st March, 1922.*

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The records of Nos. 2, 3, 12, 14, 15, 16, 18, 19 and 20 were examined by Mr. Lyle. In none of these cases did his report indicate the necessity for interference.

Answer with reference to question No. *11 *asked by* BABU CHHAIL BIHARI KAPUR *at the Council meeting of the 24th October, 1922.*

The Hon'ble Pandit Jagat Narayan: The honourable member is referred to the *communiqués* on the subject which issued in October, 1921 and September, 1922.

Answer with refernce to question No. * 75 *asked by* MR. ZAFAR HUSAIN *at the Council meeting of the 24th October, 1922.*

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) It is not a fact. The Stenographer resigned and his resignation was accepted.

(*b*) The resignation was based on the allegation that the applicant had obtained another post which would allow him greater facilities for attending mosque to say his prayers than his duties as Stenographer in the District Judge's Court did.

Answer with reference to question No. *76 *asked by* MR. ZAFAR HUSAIN *at the Council meeting of the 24th October, 1922.*

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) Yes.

(*b*) Yes, in virtue of the general powers conferred on the District Judge to remove ministerial officers by sections 30 to 35 of the Bengal, Agra, and Assam Civil Courts Act (XII of 1887).

(*c*) The question does not arise.

Answer with reference to question No. *77 *asked by* MR. ZAFAR HUSAIN *at the Council meeting of the 24th October, 1922.*

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (*a*) The explanation asked for has been called for by Government and received.

(*b*) In view of the fact that it was open to the clerk concerned under section 30 of the Civil Courts Act to bring the orders passed to the notice of the Local Government and the clerk has not done so, the Government sees no reason to give publicity to the matter.

Answer with reference to question No. *78 *asked by* MR. ZAFAR HUSAIN *at the Council meeting of the 24th October, 1922.*

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The honourable member is referred to the answer to question No. 77 (*b*).

Answer with reference to question No. *80 *asked by* MR. ZAFAR HUSAIN *at the Council meeting of the 24th October, 1922.*

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

Answer with reference to question No. *98 *asked by* RAI SITA RAM SAHIB *at the Council meeting of the 24th October, 1922.*

The Hon'ble Mr. C. Y. Chintamani:

Nazul ...	186¼ acres.	
Private land	16½ „	
		Rs.
Cost of acquiring the latter together with some other immovable property		1,25,782
Plus the "River View" property for the University offices and the residence of the Vice-Chancellor		1,00,000
Amount of Government contribution		1,05,000

Answer with reference to question No. * 99 *asked by* RAI SITA RAM SAHIB *at the Council meeting of the 24th October*, 1922.

The Hon'ble Mr. C. Y. Chintamani: The *Nadwat-ul-ulma* buildings are not being acquired for the Lucknow University. The flour mills were acquired by Government for the University in March, 1920, for Rs. 1,50,000 on the recommendation of the Lucknow Improvement Committee. The mills have not yet been made over to the University.

Answer with reference to question No. * 51 *asked by* MR. H. DAVID *at the Council meeting of the 25th October*, 1922.

The Hon'ble Mr. C. Y. Chintamani: (1) Nil.

(2) Five.

(3) Nineteen.

(4) Nil.

Answer with reference to question No. *52 *asked by* MR. H. DAVID *at the Council meeting of the 25th October*, 1922.

The Hon'ble Mr. C. Y. Chintamani: (*a*) Yes.

(*b*) No.

(*c*) *A*—(1) Nil.

(2) Seventeen.

(3) Five.

B—(1) Twenty-two.

(2) Nil.

Answer with reference to question No. 85* *asked by* CHAUDHRI MUKHTAR SINGH *at the Council meeting of the 26th October*, 1921.

The Hon'ble Mr. C. Y. Chantamani: The procedure now in force is that Government recover from the zamindar for whom a well is made the whole of the expense involved in the trial boring and construction, Government bearing the overhead charges. It is impossible to state how much expense in accordance with this arrangement devolves upon Government for each well constructed, since grants are given for engineering work generally and no specific allotment is made for tube-well work; but the amounts recovered from persons for whom wells are constructed are generally as follows:—

Rupees 7,000 in the case of a small well and Rs. 13,000 in the case of a large well. The average cost to a zamindar of having a well constructed by the Agricultural department is reported to be Rs. 8,436.

Answer with reference to question No. * 14 *asked by* PANDIT NANAK CHAND *at the Council meeting of the 26th October*, 1922.

The Hon'ble Mr. C. Y. Chintamani: The honourable member is referred to the reply given to question No. 52 asked by him on the 13th November, 1922.

Answer with reference to question No. *5 *asked by* MR. ZAFAR HUSAIN *at the Council meeting of the 7th November*, 1922.

*** The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** (1) Yes. A copy is laid on the honourable member's table.

(2) The rules are due to the need for a settlement, on reasonable terms, of the difficulties between the *Shia* and *Sunni* communities,

which were most acute and had given rise to great danger of disturbance in the past.

(3) The *Shias* who are one-sixth of the Muslim population have apparently not welcomed the rules. The *Sunnis* have made no objection and are not likely to.

(4) Yes. The Commissioner has been asked to report.

Answer with reference to question No. 18 *asked by* LIEUTENANT SHAIKH SHAHID HUSAIN *at the Council meeting of the* 1*st April*, 1921.

Mr. G. B. F. Muir: (*a*) No.

(*b*) Does not arise.

Answer with reference to question No. 97 *asked by* CHAUDHRI MUKHTAR SINGH *at the Council meeting of the* 26*th October*, 1922.

Mr. A. B. Reid: (*a*) The number of tube-wells completed during 1921-22 was 16, all of which are successful and are giving satisfaction to the owners. A further 20 tube-wells are in hand, some of which are nearing completion.

(*b*) The money spent on the Boring department during the year was Rs. 3,80,347.

Answer with reference to question No. 51 *asked by* PANDIT IQBAL NARAYAN GURTU *at the Council meeting of the* 27*th October*, 1922.

Mr. L. S. White: The matter has been brought to the notice of the High Court, and Government is informed that the cases of the three candidates in question were considered individually by the Hon'ble Judges. It was, however, decided not to enrol them.

Answer with reference to question No. 60 *asked by* RAI MASHAL SINGH BAHADUR *in the Council meeting of the* 1*st November*, 1922.

Mr. G. B. F. Muir: (*a*) Yes.

(*b*) No; as the lands are lowlying and no adequate remedy is possible. Embankments, bunds, etc., could only be put up at the expense of other tracts and if they burst, the damage would be infinitely greater than at present. In addition, though these floods damage the *kharif* crop, the deposit they leave behind results in renovating the soil and ensuring an excellent *rabi*.

(*c*) Yes, but this happens almost every year.

(*d*) About one lakh of *taqavi* has already been distributed.

(*e*) Suspension proposals are under submission.

Answer with reference to question No. 55 *asked by* PANDIT HIRDAY NATH KUNZRU *at the Council meeting of the* 2*nd November*, 1922.

Mr. H. S. Crosthwaite: (*a*) and (*b*) A statement in type is placed on the honourable member's table.

(*c*) A reference to the Council was not made. The charges are taken to the heads salaries and establishment according as they relate to officers or establishment.

(*d*) No.

Answer with reference to questions Nos. 13, 14, 15 *and* 16 *asked by* MUNSHI MUHAMMAD FAZL-UR-RAHMAN KHAN *at the Council meeting of the 8th November*, 1922.

The Hon'ble Sir Ludovic Porter: 13—The compensation is based on 16 years' purchase.

14.—The average of the three most recent normal years is taken.

15.—The above method of framing the award provides for any such increase.

16.—The rates paid are reasonable and in accordance with the instructions laid down by the Board of Revenue.

Answer with reference to question No. 32 *asked by* PANDIT BRIJNANDAN PRASAD MISRA *at the Council meeting of the 8th November*, 1922.

Mr. G. B. F. Muir: (*a*) The honourable member is referred to the answer given to (*c*) of question No. 36 for the 27th October, 1922.

(*b*) A copy of the Board of Revenue's report is laid on the honourable member's table.

(*c*) Government has directed that the system as modified be given a further trial.

ADVISORY BOARD FOR STATE RAILWAYS.

The Hon'ble the President: In connection with the selection of three representatives of the Council for the Railway Committee I have received three names, namely Thakur Nawab Ali Khan, Sardar Birpal Singh and Babu Chhail Bihari Kapur. Is it the general feeling of the Council that these names be reported to the Government?

The House agreed to the above three names being submitted to the Government.

THE UNITED PROVINCES DISTRICT BOARDS BILL 1921.

PREAMBLE.

The motion that the preamble stand part was put and adopted.

CLAUSE 1.

Mr. C. M. King: I beg to move that in sub-clause (3) of clause 1 the date be entered as the first day of February, 1923.

The Hon'ble the President: The question is that in sub-clause (3) of clause 1, the word "first" be entered between the word "the" and "day", the word "February" be entered between the word "of" and the figures "19" and the figures "23" after "19" so that the sub-clause would read as follows:—

"(3) It shall come into force on the first day of February, 1923."

The motion was put and adopted.

The Hon'ble Pandit Jagat Narayan: I rise to move that the Bill as amended be passed. As we have been working at this Bill from the 6th of this month and as the majority of the members are anxious to leave the place as soon as possible, I will be very brief and will not take

more than 10 minutes. I feel grateful to the honourable members of this Council for the courtesy and consideration they have shown me in the course of the debate. Without this it would have been absolutely impossible for me to get the Bill through. When I moved that the Bill be taken into consideration, I made two appeals to the honourable members of this House. The first was that they should consider the Bill on its merits without passion and prejudice, and I am gratified to find that they have done so. My second appeal was that they should realize the responsibility of their position and that they should accept this Bill even as a necessary evil but as a thing which was absolutely necessary in the best interests of the country. I further thank the honourable members that, notwithstanding certain clauses upon which there was a sharp division of opinion, they have in their speeches abstained from personalities and have done their best to confine their view, though expressed strongly and forcibly, to arguments. I congratulate them on having passed this Bill, which I honestly believe to be a progressive measure. I think that by their vote the landlords of these provinces have demonstrated the fact that they do realize their responsibilities, and that it cannot be said that they are unmindful of the interests of their tenants or that they are unmindful of the interests of their community. I have to make one more appeal and that appeal is that, although the curtain is about to drop on the first scene of this drama, they should perform their parts with better and greater success in the following scenes. They have passed taxation clauses, but the mere fact of giving to district boards power of taxation will be useless unless there be a will to tax. During the reform discussions one of the strongest reasons that was advanced against the Indians being entrusted with self-government was that they would fail when the real test would come, namely, when the transferred departments will place proposals of taxation before the Council, and it was argued that such proposals will never be accepted. On this basis our detractors hoped to demonstrate that we Indians were incapable of realizing the responsibilities of self-government. I am glad to find that we have demonstrated that we do realize our responsibilities. Therefore my appeal is that after we leave this Council Hall we must do our best to make the future administration of local-self-government a success. By all means do your best to curtail expenditure, initiate reforms in any direction you like, and the Government will be prepared to support you, but if after making an honest and genuine effort you find that you cannot carry on the administration of district boards without further taxation, then I appeal to you and I request you not to place any obstacles in the way of raising your revenue. These are not very prosperous times and you will have to tax yourselves. By no means cut down your schools, by no means cut down your expenditure on travelling dispensaries. Do all you can for the purpose of ameliorating the condition of your tenants and thereby you will earn the gratitude of the future generation, though perhaps for the time being those who are taxed may not like it. This is the acid test of your realizing the responsibilities of local self-government. Further, I may inform the honourable members here that another thing which was feared and which is still advanced against us is that we have no capacity for composing our own differences. No doubt there have been sharp differences between some of us on one or two

clauses of the Bill. My request is when you leave the four walls of this Hall—bury your differences. It is absolutely necessary for the salvation of the country that we must present a united front. I do honestly think that unless and until we are prepared to show and demonstrate that so far as our differences are concerned we are quite capable of composing them without outside agency or outside help, we will not be able to attain our much cherished goal, that is Swaraj, for which we have been trying. My request is :—"Please forget and forgive."

Before I sit down I think it is my duty to express my personal thanks to the Legal Remembrancer and Mr. Muir, the Revenue Secretary. Their task was not an easy task. They have not spared time or labour in enabling me to get the Bill through. Without their hearty co-operation it would have been impossible for me either to get the Bill drafted or to get it through in such a short time, and I hope that I will be authorized by this Council to convey their thanks to these two officers who have done their best. With these few remarks I move that the Bill as amended be passed.

Major D. R. Ranjit Singh: I rise to offer my heartiest congratulations to the Hon'ble Minister and his Secretary for the success they have attained in getting this most important and liberal measure passed through the House. Last year I congratulated the Hon'ble the Minister for Education on having given us the University Reforms, which proved to be the pioneer of educational reforms in the whole of British India, and I rejoice to think today that in the District Boards Bill we have also proved foremost as compared with other provincial Governments. I feel that this House in passing this Bill has truly laid the foundation of real full self-government, beginning with our District Boards. I do not know whether the souls of the departed have any connection left with the living world, but surely if there is any such connection, I feel sure that the noble soul of Lord Ripon of good memory must have been hovering over this House to watch the plant whose seed was sown some time in the eighties, which had withstood various storms blowing some times from bureaucracy, and which has now fructified and become permanent. With these words I offer my congratulations to the Hon'ble Minister once more and resume my seat.

Mr. Zafar Husain: It is my painful duty to oppose strongly the motion put forward by the Hon'ble the Minister for Local Self-Government that the Bill as amended be passed; but at the same time I must express my gratitude to him for dealing fairly with certain questions of great importance which had cropped up in connection with the Bill. I quite realize the genuine spirit with which he was moved throughout. If on certain questions we have materially disagreed, it was because on principle I did not see eye to eye with him, and not because of any sentiment by which I was moved. If, therefore, I record my opposition on the question of communal representation, I do so not because the demand which we put forward was excessive, or because we wanted to exact it by sheer force of our united strength, but because the attitude which we had adopted was one of great conciliation, and we in return expected generosity. We wanted generosity and liberality, but that has been refused to us. I may say at once that the spirit

[Mr. Zafar Husain.]

with which I moved an amendment of 30 per cent. representation on the rural boards was not prompted by any idea of creating Hindu-Muslim animosity. It was not moved with the idea of creating disunion or bickerings in this Council which manifested themselves on the other side during the course of the discussion on the amendment. I thought that the speech made by the Hon'ble Sir Ludovic Porter, who had intervened in the debate and had expressed his own sense of responsibility and that of the officials (to all of whom I am grateful), who had voted with me the other day would make the situation easier and calmer, when the question of communal representation was discussed. We tried our best, Sir, to settle the question of communal representation even long before it was taken up in this Council. We endeavoured to arrive at a compromise, but failed. In spite of all this, the attitude of honourable members on the second day of the debate was not very hostile, and indeed after the speech of the Hon'ble the Finance Member we would have got what we wanted but for the intervention in the debate by my honourable friend Mr. Chintamani, who dashed all possibility of compromise to the ground.

I may say at once that the speech which he delivered was most inopportune, especially when his honourable colleague the Minister for Local Self-Government had taken an honourable attitude, inasmuch as he was prepared to accept any percentage the Council agreed to and did not oppose the amendment.

The Hon'ble the President: The honourable member ought not to refer to in detail to the previous debates in this Council. He must confine his remarks to the motion before the House.

Mr. Zafar Husain: I was trying to point out that the spirit of certain members was most discreditable, and the attitude which the Council adopted on the question of communal representation was most discouraging and disappointing. There is no secret of the fact that one of the outstanding causes of trouble between Hindus and Muhammadans is the question of communal representation. It would have been criminal on the part of any one of us to have raised the question of racial antagonism at the time, but I should like to impress upon the House the fact that if it is not prepared to concede our terms, if it desires to be blind to facts and to the existing preponderance and importance of the great Muhammadan community, the question of racial animosity will ever remain unsolved.

The next point which I want to bring to the notice of the Council is the question of taxation. We have not objected to give the boards power of taxation. We have allowed it. We welcome it. We have given the boards power to raise a tax on circumstances and property, a tax which was new to the rural population, but what we object to is the increase in land tax. The amendment which I moved in this connection for not allowing an increase in land tax under any circumstance whatever was lost, and the House agreed that the land tax should be increased in spite of our strong opposition. I bow to that decision, but what I want to say is that the resentment which will follow from the increase of this tax will be justified on the ground of poverty, on the ground of already existing excessive taxation on land and the consequent

inability of the landed classes to pay it. The Council, however, did not take notice of these considerations, and although I am not prepared to welcome the increase in tax, yet I have no quarrel with the House.

There were several amendments which stood in my name to the effect that official control should be relaxed to a great extent. The Bill, as amended, does not relax official control even to a slight extent. It will appear that even if the boards desire to impose taxation they will have to take the previous sanction of the Local Government. In all other minor details the boards will have to refer the matter first to the Collector, then to the Commissioner and then to the Local Government. They have no choice even in the matter of levying school fees, fees on libraries and sarais. Their authority in the matter of external control is limited. Even if they pass a resolution, it can be suspended by an arbitrary authority of the Collector and the Commissioner. May I ask the Hon'ble Minister whether this is the independence or freedom of action of the boards which has been so much advocated? The other day I challenged him to show from any section of the Bill as to whether the authority of the boards has been made independent. In reply to that he stated that the boards will have power to dig wells, to repair roads and to prepare the curricula of schools. May I ask him if this is enough? I would say that this is entirely misleading. The Bill, as it stands, has been largely based on the sections which already existed in the old District Boards Act and the Municipalities Act, and they have been reproduced here. Was it not possible to change those sections a little bit more in order to give the boards a little bit more authority along with the power of taxation which has been given to them? Then he challenged me to show if this Bill is not more liberal than similar enactments in other provinces. In reply I may say that powers of self-taxation are not yet conceded to boards in other provinces. If therefore they are not very liberal, it is not to be wondered at. But, may I ask, is he guided by examples in other provinces? If so, he is sadly mistaken. It has been said by the Government that because the power of taxation has been given to the boards therefore they are being made more and more independent. Under the old *régime* the members of boards were largely nominated and they carried no confidence of the people, and if the power of taxation had been given to them the people would certainly have resented it. In the new Bill the Government has devised a new scheme and given the power of taxation to the boards. They have conceded to give an elected majority to the boards, and it is safely contrived that the boards may now impose taxation. Therefore with the exception of giving the boards power of taxation, there is no other section in the Bill in which freedom of action is guaranteed to them. The Government has thus escaped the unpopularity which will now be incurred by the boards without any good return. Therefore, under the circumstances, as the Bill stands at present, I think there is no improvement—not even a slight improvement—on the old District Boards Act, or the Municipalities Act. Simply giving powers of taxation to local bodies without any freedom of action, without any independent choice and without any independent authority is not enough.

I would therefore strongly oppose the Hon'ble Minister's motion on these grounds.

[Pandit Gokaran Nath Misra.]

Pandit Gokaran Nath Misra: I rise to give my hearty support to the motion which is now before the House. It is needless for me to say how grateful we are to the Hon'ble Minister in charge of the Bill for the way in which he has piloted this Bill through, for the way in which the meetings of the Select Committee were conducted and for the way in which the Bill in its various aspects was dealt with by him in this Council. In certain matters I must frankly state that the way in which he consulted the opinion of the various members of this House was admirable. Many of us know that points which seemed hopeless of any agreement were agreed upon by the Hon'ble Minister, and I can safely congratulate this House on having now passed a Bill which will be considered as one of the most liberal measures in the advance of self-government throughout the country. I have only to look back to the provisions of this Bill and that will be quite enough to justify the remark which I have just now made. We remember very well the old constitution of the District Boards. For years together we have been complaining that the members were selected by an electorate which was composed of nominated men—men who were brought on the list by nomination of the Collector. There was no system of actual representation at all. It was worse than the system which previously had prevailed in the municipalities. In no way could it be said to have been any election at all. Now the franchise has been broadened, and I think these bodies will now be truly representative. An honourable member of this House moved a motion, which was accepted by this House, to the effect that even the two members who were to be nominated on these district boards by the Government, should also be non-officials, and in accepting that amendment this House has made these bodies purely non-official bodies. We also find that the franchise has been not only widened, but the sex disqualification has been removed. I congratulate the honourable members of this House on the removal of this disqualification, and may I not ask that in another session of this Council we may be able to pass a similar motion with regard to the removal of disqualification, so far as the other sex is concerned, with regard to the electorate for the Legislative Council itself. Then we find that we have given the charge of the conducting of these district boards into the hands of the non-official members. Well, it is undoubtedly a great experiment. So far as the urban areas were concerned and so far as the municipalities were concerned, we all know that there were people of education and experience who could be relied upon to take charge of the municipal bodies. But in the case of rural areas many of us felt doubtful at times as to whether a sufficient number of men of education, light and experience would be forthcoming, who would be able to take charge of these district boards. Now we have placed these local bodies in charge of those non-official gentlemen, and I am sure that the entire province will respond in a manner that people will be forthcoming, who will do the work of self-government in a way that will be a credit not only to this province but to all the communities living in this province and to the country as a whole.

Then when we look to the other provisions of this Bill we find that it is the first Act which has given representation to the depressed classes. Times without number we were accused of being unmindful of

the interest of the depressed classes. On the Statute book we have now placed a clause that if the Government is to nominate two members to the Board, at least one of them must ordinarily belong to the depressed classes. The time will shortly come when these district boards will contain a greater number of representatives of these depressed classes, so that it cannot be said hereafter by any community living in this province that those who want to have the representation in their hands purely, are oblivious of the interest of those classes which are called "untouchables" and "depressed classes."

Then again with regard to the power of taxation, I am glad that we fought over this matter. Many of the landlords felt that the power of taxation should not be given to the district boards. Well, they supported the measure, although they felt that additional taxation should not be imposed. But I think the sound common sense of many of my landlord friends has dictated to them the right path and they have come to the correct conclusion. Differences of opinion in a matter like this there must be, but after all they are differences which have only to be settled by the opinion of the majority of this House. Were it not for the support which many of my landlord friends and other honourable members of this House gave to that clause, it would have been difficult today to carry through a Bill like this. I am indeed very grateful to the landlord members of this House for the support which they gave to these taxation clauses.

Lastly, I would not have referred to a matter like this, but that the remarks of the previous speaker, the honourable member for Fatehpur compel me to make a few observations. It would have been a happier thing if the question of communal representation had been settled by way of compromise, but I need say only this that, although as a matter of principle we were open to give expression to our opinion before this House, although we were open to say that the limit of representation which has been given to the Muhammadan community was a fair, just and generous one, yet there were many of us who felt that if the matter had been properly approached a compromise was not impossible. I need hardly remind the honourable members that probably it was the attitude of some of the honourable members who belonged to that community which claimed from the other community a just treatment which was responsible for the non-materializing of the compromise. As to the interference of the Hon'ble the Minister of Education I feel those remarks are unjust. After the speech of the Hon'ble the Finance Member and after certain other discussions in this House, certain facts had been brought to the notice of the honourable members, and it was necessary that a member of this House, a member who was in the Government, who was a member of the Rule 13 Committee, and who was fully aware of what had passed, should give us the actual facts. If I remember aright the Hon'ble Minister in giving us the facts that were within his knowledge did not utter one single word on the merits or demerits of the question, consequently I do not think that anything can be said against the Hon'ble the Minister of Education which might be interpreted that he stood in the way of compromise. I would not, therefore, touch upon the question any more. I only feel that my Muhammadan friends have been treated rightly. I feel that it would have been better if the matter could have been settled by means of a

[Pandit Gokaran Nath Misra.]

compromise, but that is now a matter of past history. Let us now work together. Is it not the time when, as the Hon'ble the Minister in charge of the Bill said, we should forgive and forget? Let us now work together hand in hand: let us show to the people outside that the self-governing institutions on which the peace and prosperity of the people in the rural areas will depend will now be taken charge of by us and will be worked in a manner that will be a credit to all the communities in these provinces.

There is one matter more without referring to which I cannot sit down, and that is a matter which has seriously touched my heart. There are various members in this House, who in their speeches with regard to the taxation clauses, doubted the sincerity of the liberals. With regard to the interests of tenants our action throughout, inside and outside the Council, has been a test—an acid test. We have stood for the tenants, we have sacrificed ourselves for their cause, we meant to advocate their cause, but not to the detriment of the other party but in order to throw our strength into the scale of those who deserve help, and I think it was not fair that our intentions and our motives should have been attacked. If my honourable friends the landlords, who are representing their interests in this House are sincere and are well-inclined towards the tenants I do not dispute the question; but it was unfair for them to cast any suspicion on the liberals and the members of the party to which I have the honour to belong that our purposes was for aggrandizement or for any other motive besides the one which we have got, namely, the welfare of the tenants. I, therefore, say that in this matter we have worked in a manner in which the interests of both the tenants and the landlords have been borne in mind and consideration has been given to the claims of both. I, therefore, feel that the measure which has been evolved out of this Council is one which is satisfactory in all its aspects, and I am sure that it will be a measure as to which the Hon'ble the Minister of Local Self-Government may well feel proud that he was responsible for the passing of such a liberal measure.

Lieut. Shaikh Shahid Husain: I do not know whom to congratulate most—the Government, the Ministers, or the Ministerial party. The Government deserves greater congratulation for having succeeded in tacking a matter which was solely one for the reserved department on to that of a transferred subject and thus getting the support not only of the Ministers but of the Ministerial party. If the measure, apart from the question of the principle of taxation, had been to amend the Local Rates Bill the duty would have been laid on the shoulders of the Hon'ble the Finance Member and not of the Minister. Curious are the ways of Government and those only who are in the Government can understand them. But there is the other party, the Ministerial party. That has to be congratulated too on befogging the real issue from the very beginning. The real issue before this House never was the question of taxation or no taxation. I believe there is not a single member in the House who was against the principle of taxation; at least I do not know of any one. No one said that the local rates to the extent of 10 per cent. which the zamindars have been paying from ages should not be paid and that 10 per cent. also should be deleted from the Local Rates Act. The

only objection taken was, and as honestly and sincerely taken as, I believe, it was opposed, that there should be no additional taxation on land. I may be wrong; I may be termed a die-hard; but I honestly and sincerely believe even now that the additional burden that has been imposed on land is not just and fair. I do not say that those who agreed or agree with me may not have made an honest mistake; they may have made a mistake, and that time alone will show. In my opinion additional taxation means a further depreciation in the value of the land; and it is merely the beginning. I do not believe that the 3 per cent. is the limit reached; it is merely the beginning of a further drain on land.

I do not think that on this occasion I should add to the bitterness of the controversy. I agree, Sir, with the Hon'ble the Minister of Local Self-Government that now is the time to forgive and forget the past controversy. I earnestly and most sincerely appeal to all members of the House to drop it, not to touch on it. I heartily join with other speakers and endorse every word that they have said in offering their congratulations to the Hon'ble the Minister of Local Self-Government. I have been a witness to his courtesy, to his fairmindedness and want of excitement during the passage of this Bill and I sincerely and honestly congratulate him on having successfully piloted a very contentious and troublesome Bill; and I must add that it has been due in a great measure to his intensely popular personality. I have known him for long and I believe I am in a position to say that on communal questions his fairness has never been doubted for a single moment. We may differ in principle, we may differ on certain points, but I feel proud to say that in the premier citizen of Lucknow who holds this honourable position the Hindus and Muhammadans have equal confidence and equal trust.

A few words more and I have finished. It has been said that this Bill has been passed for the sake of tenants and that the tenants ought to rejoice over it. Sir, I also happen to represent the constituency of Lucknow, and although my friend the member for Lucknow has spoken with the fervour of a new convert and has asserted that the tenants are contented, that the tenants are happy, well, Sir, representing the same district, I question that statement. I have also been among the tenants of Lucknow. I have also toured not only in the Lucknow district but also in the other districts of my constituency. The tenants certainly do not believe in and certainly do not approve of the additional taxation that has been imposed upon them. I feel it my duty to say so, so that I may not be misunderstood. At the same time I regret I cannot yet accept this taxation clause with a clear conscience. In my opinion there is a higher authority than the authority of the Council. The final determination of this question must lie with the tenants and the masses themselves who are chiefly concerned.

Rai Kunwar Parmanand Bahadur: The conciliatory speech of the Hon'ble the Minister of Local Self-Government demands in return sweetness of speech. But opinions honestly held may in appropriate words be honestly expressed. Sir, at no stage of the discussion of the Bill, so far as I am aware was any opposition offered to the Bill in its entirety. There were in the Bill certain provisions to which a certain section in this Council took exception. They honestly expressed the views entertained by them and by a large section of the public outside. To some

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extent the objections have been removed. But as they have not been removed in their entirety and some of those provisions are still in the Bill, the Bill as a whole cannot be said to be acceptable to that section which has consistently and persistently opposed these particular provisions, to which any detailed reference at this stage is unnecessary. Chief among them it may, however, be mentioned that the principle that franchise should be based exclusively on a property qualification has not been adhered to; land has been overtaxed, although the excess is less marked than it was when the Bill first came before this Council; the indirect taxation on the tenant is likely in practical working to cause friction between landlords and tenants. Tenants, it is feared, will attribute this taxation to the machinations of the zamindars and that feeling inflamed by those who have made it their business to bring about a conflict between zamindars and tenants may create a situation undesirable and unsatisfactory alike to both. These chiefly, and others which at the proper time and place were brought to the notice of the Council and discussed, are the points on which complete unanimity has not been obtained in the Council. Sir, the Bill in its present shape is undoubtedly from the point of view of those who have opposed some of its provisions less open to objection than it was before and to the extent, and it is considerable, to which the objection has been removed I am free to express my gratitude to the Hon'ble the Minister of Local Self-Government and to the honourable members who have assisted in the reduction of the objectionable features. But the Bill even now as it stands is not free altogether from objections which were pressed, and consistency and honesty demand that with regard to them opposition should even at this stage be put forward and brought to the notice of the Council. It is not necessary that I should take up the time of the Council by any long speech. Personally I wish that it were possible for us all to be unanimous and unanimous in every detail. I will only say this in the end that those with whom we have differed will take a charitable view of the situation and give us credit for honestly holding the opinions that we have held and honestly and fearlessly expressed in this Council. Sir, if this were not done and if all that we felt were kept shut up in our breasts the probabilities are that the Bill with the Government support at its back would have been passed with all the objectionable features more fully developed, and would have become law. By our honest expression of opinion we may have made ourselves unpopular in certain circles certain time, but we have gained the satisfaction—a satisfaction well worth possessing—that honest expression we have gained some advantages for the community we represent. This is our justification and not our apology for having done what we did do. Personally, for the Minister each one of us entertains feelings of affection and regard. Speaking for myself Sir, I need only say that we have known each other for many many years and if what I said does not find an echo in the Minister's heart, I should feel much disappointed,

Rai Thakur Mashal Singh Bahadur: I join the other honourable members of this House in congratulating the Hon'ble the Minister of Local Self-Government on getting this Bill through. On behalf of my other friends who are of my way of thinking I thank the Hon'ble Minister for his discretion and for the conciliatory spirit in which he has conducted his Bill through the Council. My honourable friend, Pandit Gokaran

Nath Misra, has already enumerated the good and beneficial points of the Bill I have nothing more to add, but at the same time I must bring to the notice of my honourable friends that the Hon'ble the Minister for Local Self-Government has made many concessions for which we all should be grateful. Wherever it was possible for him to accept an amendment he has cheerfully accepted it. The amendment to clause 80 in which Government had reserved more powers for the dismissal of district board officers he accepted and thus made the powers of the district boards more full and complete. He has appealed to the zamindars and other members of this House to make the future boards a success by accepting taxation when there is absolute necessity for it. I for one assure the Hon'ble Minister that we will do our best to make the future boards successful, but at the same time I will appeal to him to continue in future the aid which the Government has hitherto been giving to the district boards and, if funds permit, to increase it.

My friend, Mr. Zafar Husain, has made some references to the opposition which was shown to the amendment which he proposed. I do not wish to enter into any discussion on that point again, but I assure him and other members of his way of thinking, that there will be no trouble, that there will be no revolution, that there will be no dissatisfaction. The taxes which we have accepted are in the interests of the zamindars and the tenants alike. I at the same time would thank my honourable friends of this House who belong to the liberal party for the conciliatory attitude they have adopted throughout the debates on the District Boards Bill in the Council and I think this is the result of the way in which we have acceded to their wishes wherever and whenever we could. Perhaps my honourable friends will excuse me if I refer to the proceedings of the Select Committee on the Oudh Rent Bill when there was a sharp difference of opinion between the zamindar party and the liberal party and my liberal friends left the meeting in anger, but when we differed in the Select Committee of the District Boards Bill and the liberals were in the majority while we were in the minority, we lost our point there, but we did not leave the meeting. It is this conciliatory attitude on our part that has persuaded them in these proceedings in connection with the District Board's Bill to always consult us and to always discuss the questions dispassionately and with an open heart. For this concession, for this liberality and for this "give and take" principle of their creed I congratulate them and I thank them.

My honourable friend, Shaikh Shahid Husain, has just delivered a very good speech. He has simply differed from us on certain points and has honestly so differed It is a common saying "kam khurad azize man, na khurad jane man", which means that a man who eats little is dear to me, but one who does not eat at all is my life. So he has given expression to his honest convictions no doubt. When we accept that zamindars have all along been taxed and that this additional burden has been thrown on them, I will only say—

"Gar mukarrar ze labat bosa giriftem maranj."

"Surkhiye lale labat bin ki che zaba budast."

Thakur Jagannath Bakhsh Singh: I rise to join in the ranks of those who consider this Bill on the whole as a liberal measure, but unfortunately there have remained in this Bill one or two stumbling-

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blocks from the beginning and to our great regret they could not be removed till the last moment. As mentioned by previous speakers, the question of Muslim representation and the question of additional taxation were the two points on which it was feared opinions would not unite. I would not refer to any proceedings of the Select Committee, but, Sir, I cannot refrain from remarking that it was unfortunate that the two questions could not be settled amicably up to the last moment, and we had to differ over them to no little detriment of our parties in this House. Regarding the question of Muslim representation, the honourable member from Fatehpur has spoken enough. I shall therefore only take the second point, viz., the additional taxation, and would like to give my opinion on that. I have considered from the beginning, and I strongly hold to that opinion still, that we have in passing the taxation clauses in the Bill as it stands now neglected the force of public opinion on this subject. Not only has the force of public opinion been neglected, but I can say, Sir, that it has been ignored. I have reasons to believe that the Government, alert and watchful of the conditions of this province as it is, is not unaware of the fact as to what are the feelings of those who have to pay the taxes imposed on them. Is it necessary for me to bring to the notice of the House that numerous institutions of zamindars have passed strong resolutions opposing any additional local rate? The Muzaffarnagar Association of zamindars has passed a resolution that no additional taxation should be made at any cost. The British Indian Association of Oudh, or to call it by its more common name Anjaman, which enjoyed a very good opinion of the Government, at least before the Government was divided into two halves (I do not know what are the circumstances now), did also pass a unanimous resolution giving a mandate to its representatives to oppose any addition to taxation. Then, Sir, when it was given out that a session to consider the District Boards Bill will take place during the month of July last a joint conference of the zamindars of Agra and Oudh was held close by this Council Chamber and it raised a very strong voice against any addition to the taxation. Lastly there was a joint Conference of the zamindars of both the provinces just before the Bill was taken up and they too passed a unanimous resolution that its last decision on the matter should hold good. Last, but not the least, is the fact, if I mistake not that the tenantry of Oudh, numbering about one lakh or, to be more precise, 90,000, have presented a monster petition to the Government opposing any addition to the taxation. May I ask the honourable members, are the opinions which have been sent by the zamindars and tenants not strong enough to be taken into consideration by the Government? Where was the hurry to rush through the clause regarding additional taxation in the Bill as has been done? What was the harm if this clause was deleted for the time being? Government knew the opinions of the honourable members that nobody differed in principle. Nobody said that the District Boards may not possess the power of self-government fully and thoroughly or that they may not have full control of the purse, but surely everybody who is representing the interests of a certain community who sent him to this House was in duty bound to give vent to his feelings on such momentous and crucial points as these. I repeat, Sir, what would have been the harm if there were no clause of additional taxation for some

time more. The liberal powers of self-government that were to be given to the District Boards might have been given, but only the present taxation clause might have been deleted. The Boards might have been given an opportunity of constituting themselves, to form up themselves, to get time to obtain a reputation, to enjoy the confidence of those whom they were going to represent, and then easily the opinions of the different Boards constituted under the present constitution might have been invited on this point as to whether any addition in the local rates was possible, as to whether the population in different areas would be agreeable to any addition in the taxation or not. I think the best people, the best bodies to give opinion on this point would have been those very boards. I think Government could then very easily have introduced an amending clause to the Bill regarding any additional taxation that was possible. The Bill would then have been received with acclamation by all parties inside the House and outside. The second point, which the Government should not have ignored, is as to what will be the effect of passing this Bill. It was stated by the Hon'ble Minister that the Indian element which has been introduced in the constitution of the Government is to be tested by the popularity of its taxation measures which it has passed ; but I may warn the Government that the test of popularity is not in this House. The test will be outside. It is not impossible that an attack on the Government may be made in the near future. Then again the patience of the tenants will be taxed and no less than ever it was before, and perhaps this time the fight may be at closer quarters. The Government should, therefore be ready for all such contingencies in future. I may recall, Sir, that on the passing of the Oudh Rent Bill the Government and my friends on the right advised us to consider the condition of the poor tenants, but now I find that these were mere empty words not to be followed by themselves on the present occasion. I do not want to take any more time of the Council. I have already discharged my duty in having brought before the House important questions which vitally affected the tenants and the poor landholders, and it is now the lookout of the House as a whole to decide them as it thinks right and proper. But, Sir, under these circumstances, I am unable to support the Bill in this last stage I therefore oppose it with all the strength I can command.

CONSEQUENTIAL AMENDMENTS.

CLAUSE 80.

Mr. C. M. King: Owing to the omission of clause 80, I beg to move that clauses 81 to 115 be re-numbered as clauses 80 to 114, and that all references to the said clauses be re-numbered accordingly.

The motion was put and adopted.

CLAUSES 117 TO 151.

Mr. C. M. King: Owing to the omission of clause 116, I beg to move that clauses 117 to 151 be re-numbered as clauses 115 to 149, and that all references to the said clauses be re-numbered accordingly.

The motion was put and adopted.

CLAUSES 159 TO 210.

Mr. C. M. King: Owing to the omission of clauses 152 to 158, I beg to move that clauses 159 to 210 be re-numbered as clauses 150 to 201, and that all references to the said clauses be re-numbered accordingly.

The motion was put and adopted.

CLAUSE 8(2).

Mr. C. M. King: In clause 8(2)(*e*), as now re-lettered, an amendment was made to add the following words :—

"or any examination of proficiency in Indian vernaculars, or classical languages recognized by any of the Indian universities or recognized by the Local Government as equivalent thereto."

For these words I propose to substitute the following :—

"or an examination of proficiency in Indian vernaculars or classical languages recognized by any Indian University or by the Local Government."

My reason for suggesting this substitution is that the present wording is very ambiguous, especially the word "thereto". I never was able to understand myself what the word "thereto" referred to. I consulted several of my friends in the House, who voted for the amendment, and they were by no means unanimous as to the meaning of that word. Some of them thought that the word "thereto" referred to the School Leaving Certificate Examination; others thought that it referred to an examination of proficiency in Indian Vernaculars; others thought that it referred to the Indian Universities. Anyhow, there is no doubt that these words are very ambiguous, and I think the wording which I have suggested will give effect to the intention of this amendment.

The amendment was put and adopted.

CLAUSE 9.

Mr. C. M. King: An amendment was made to insert the words "sections 109 and 110 of" after the word "under". I propose to substitute for the words "under sections 109 and 110 of" the words "in consequence of proceedings taken under section 109 or section 110 of." So that the sentence will run "or ordered to find security for good behaviour in consequence of proceedings taken under section 109 or section 110 of the Code of Criminal Procedure". My reasons for this amendment are that an order of security for good behaviour is not passed either under section 109 or section 110, but under section 118. Under section 109 or 110 a person is called upon to show cause why he should not be ordered to give security for good behaviour, but the order is actually passed under section 118. I propose this amendment, as I think it will give effect to the intention of the House, while avoiding a technical inaccuracy.

The amendment was put and adopted.

CLAUSE 12(2) (*d*).

Mr. C. M. King: For the words "sections 23 or 32" I propose to substitute "section 23 or section 32". This is a purely verbal amendment and requires no explanation.

The amendment was put and adopted.

CLAUSE 12(2) (*f*).

Mr. C. M. King: I propose that the colon at the end of the clause be altered to a comma and the word "or" be added. This is simply because a new clause (*g*) has been added.

The amendment was put and adopted.

CLAUSE 14.

Mr. C. M. King: I propose that for the figures "13" the figures "12" be substituted. The reason is that clause 13 has now been slightly altered in form, and it lays down that no person shall be disqualified on the ground of sex for being an elector, or for being elected as a member of the board. In clause 14 it is said that sections 8 to 13 shall be subject to any rule conferring on the manager or representative of an undivided family or of any company or firm or other association or body of individuals (and so forth) a right to vote or to be elected a member of the board. Well, no rule regarding the representative or manager of a family or company can possibly have any effect on clause 13 as it now stands, so that it is no use to refer to section 13 in this clause. I therefore propose the substitution of "12" for "13."

The amendment was put and adopted.

CLAUSE 14.

Mr. C. M. King: An amendment has been made in introducing the words "or of proprietors, under-proprietors or tenants owning or holding land jointly." I propose to substitute the word "owners" for the word "proprietors". This is simply because in clause 8 we have altered the word "proprietors" to "owners" so as to bring it into conformity with the language of the Legislative Council electoral rules. In order to be consistent I think we should use the word "owners" here also.

The amendment was put and adopted.

CLAUSE 18.

Mr. C M. King: An amendment was introduced by the Council inserting the following words :—

"Presented to and heard by the District Judge within whose jurisdiction." The clause now runs as follows:—

"An election petition shall be presented to and heard by the District Judge within whose jurisdiction the constituency concerned is situated..." I propose to omit the words "presented to and", because sub-clause (2) lays down that an election petition may be presented to such District Judge. There is therefore no necessity to mention it sub-clause (1).

The amendment was put and adopted.

CLAUSE 18(2).

Mr. C. M. King: In connection with the foregoing amendment, I propose that in sub-clause (2) of clause 18 the words "notwithstanding anything contained in sub-section (1)" be deleted. These words are now superfluous, and this amendment is simply consequential on the amendment which the Council has just passed.

The amendment was put and adopted.

CLAUSE 37(2).

Mr. C. M. King: I move that for the word and letter "and (*d*)" in 37(2)(*a*) the word and letters, "(*d*) and (*e*)" be substituted. This you will understand by reading the clause. Sub-clause (2) of clause 37 lays down

[Mr. C. M. King.]

that "the term of office of a chairman who at the date of his election or nomination is not a member of the board shall be—

(*a*) except in the cases mentioned in clauses (*b*), (*c*), and (*d*), three years;" There should also be a reference to clause (*e*) which contains an exception to the three years' rule. Somehow or other it was overlooked. It is purely a formal amendment and should be put in.

The amendment was put and adopted.

CLAUSE 93.

Mr. C. M. King: A new sub-clause was inserted in clause 93 as (*g*), after sub-clause (*f*). I move that the sub-clause be inserted after the *proviso* to (*f*) simply because it is out of place before the proviso.

The amendment was put and adopted.

CLAUSE 109.

Mr. C. M. King: A proviso was inserted in clause 109, reading as follows:—

"Provided that a board shall not effect an increase in the local rate that may be in force under (*a*) at the passing of this Act unless the tax on circumstances and property under (*b*) has been in force". I propose some purely verbal amendments as follows:—

"Provided that a board shall not effect an increase in the *amount of the* local rate in force at the *commencement* of this Act unless a tax on circumstances has been *imposed* under clause (*b*)." The only differences are that after the word "increase" I insert "the amount of" because this is the phrase which has been used throughout clause 110. If you will look at clause 110 you will find that local rate is fixed at a prescribed amount. Then I have substituted the word "imposed" for the words "in force" and the word "commencement" instead of "passing" as these are the correct expressions. I have put in the word "clause" before (*b*).

The amendment was put and adopted.

CLAUSE 115.

Mr. C. M. King: An explanation was inserted in the section as explanation (1) running as follows:—

"Explanation.—(1) Taxable income means estimated income of the person to be taxed."

I think the words "of the person to be taxed" are redundant. I cannot imagine that any board or any authority could impose a tax on the income of any person other than the person who is to be taxed. I therefore propose to amalgamate the two explanations as follows:—

"Explanation:—For the purpose of this section "taxable income" means estimated income, but shall not include income of the following classes." In that way I introduce the words 'estimated income', on which the members who voted for the amendment seemed to lay much stress, although I personally do not see much meaning in those words.

The amendment was put and adopted.

CLAUSE 141(3).

Mr. C. M. King: In sub-clause (3) of clause 141 I propose a slight verbal alteration in the first portion beginning from "The surplus" down to " shall be credited." It is simply in order to break up the extreme length of the sentence. It is a very long sentence and I think it would be much clearer if it is broken up into two as follows :—

"The surplus, if any, shall forthwith be remitted by money order, less postal commission, to the person from whose possession the property was taken. If the amount so remitted is returned to the board by the post office it shall be credited." etc.

The amendment was put and adopted.

CLAUSE 148.

Mr. C. M. King: In clause 148 I propose that the figure " 1 " in brackets which occurs immediately after " 148 " be omitted. Somehow or other it was left in by an oversight.

The amendment was put and adopted.

CLAUSE 150.

Mr. C. M. King: In clause 150 a new proviso was inserted in the following words :—

" Provided that the board shall not interfere with unacquired *parao* grounds." I propose that it be re-worded as follows :—

" Provided that the Board shall not fix or levy fees for the use of *paraos* which are not vested in the board." My reasons for the change are as follows. The words " interfere with " are unnecessarily wide. For one thing, section 150 only authorizes a board to fix and levy fees. It does not speak of any other kind of control or interference. It only speaks about fixing and levying fees. So all we need say in the proviso is that the Board shall not fix or levy fees for the use of certain *paraos*. There is another reason why the wording is somewhat objectionable. Under the Sarais Act of 1867 Government has some power to control and regulate public *sarais* and *paraos*, although they may not belong to Government, and under clause 92 (*j*) of this Bill the same powers could be exercised by the district board, even though the *paraos* may not belong to the board. I think that all that is wanted is that the board should not have the power of levying fees for the use of *paraos* which do not belong to the board.

The amendment was put and adopted.

CLAUSE 175.

Mr. C. M. King: Some words were added in sub-clause (2) of clause 175. The whole clause runs as follows :—

> " Where an order is made under sub-section (1) a copy thereof, with a statement of the reasons for making it, shall forthwith be forwarded by the District Magistrate through the Commissioner or by the Commissioner, as the case may be, to the Local Government " etc.

After the words " Local Government " the following words were added :—

> " which may after receiving the explanation from the district board rescind, modify, or confirm the order."

[Mr. C. M. King.]

For these words I propose to substitute the following :—

"which may, after calling for an explanation from the board and considering the explanation (if any) received by it, rescind, modify, or confirm the order."

The only object of this amendment is this. As the section now stands it would mean that if any board refuses or fails to give any explanation the Local Government could not pass any order, because the amendment as it stands says it can only pass orders after the explanation is received. I do not think that could have been the intention of the House. I think the intention of the House was that the Local Government should call for an explanation and consider it if it is received.

The amendment was put and adopted.

CLAUSE 183 (2) (v).

Mr. C. M. King: Sir, this is a new sub clause which was added as 183 (2) (v). It runs as follows :—

"prohibiting the discharge of water of any sink or drain or steam-engine or boiler or any other filthy, offensive or injurious matter into any river, tank or other sources of water-supply or any specified portion thereof ordinarily used for drinking or bathing purposes."

I suggest that the wording should be slightly altered as follows :—

"prohibiting the discharge of the water of any sink, drain, steam-engine or boiler, or of any filthy, offensive or injurious matter into any river, tank or other source of water-supply, or into any specified portion thereof, ordinarily used for drinking and bathing purposes."

I think the effect of the proposed amendment is quite the same. The amendment which was accepted contained various unnecessary words which I cut out There is also, one expression which seems rather misleading. It talks about water of a steam-engine or boiler or any *other* filthy, offensive or injurious matter. That clearly implies that the water of a boiler or steam engine must *necessarily* be filthy, offensive or injurious. I do not think that view is maintainable or could have been the real meaning of the Council. For that reason I have altered the wording.

The amendment was put and adopted.

CLAUSE 209.

Mr. C. M. King: I move that for the original note to clause 299, the following marginal note be substituted :—

"Qualifications of electors for purpose of first elections."

The amendment was put and adopted.

CLAUSE 210.

Mr. C. M. King: I propose the insertion of the following marginal note :—

"Electoral rolls for purpose of first elections."

There is no marginal note at present and so this is proposed to be put in.

Pandit Baijnath Misra: May I just tell you, Sir, that the marginal notes to other clauses were not put ?

The Hon'ble the President: They are supposed to be put when the clause itself is called.

The amendment was put and adopted :—

Mr. C. M. King: In the same clause 210 immediately after the figures " 210 " I propose that the figure and brackets " (1) " be inserted. The figure in brackets was omitted through an oversight and so it should be inserted.

The amendment was put and adopted.

Mr. C. M. King: In the first line of clause 210 (1) for the word " purposes " the word " purpose " be read. I move accordingly.

The amendment was put and adopted.

Mr. C. M. King: I move that in paragraph (*b*) of sub-clause (1) of clause 210 for the word " electors " the word " electoral " be read. It says " Muslim electors' roll, " while it should be " Muslim electoral roll."

Mr. G. B. F. Muir: I moved " electoral."

The Hon'ble the President: It has not been shown as moved by the Hon'ble the Deputy President.

The amendment was put and adopted.

SCHEDULE I.

Mr. C. M. King: I move that in schedule I the figure " 116 " in the first column and the entry " to enhance the local rate " in the second column be deleted. It is consequential on the deletion of clause 116.

The amendment was put and adopted.

Mr. C. M. King: I move that in the same schedule, the figure " 153 " in the first column and the words " To grant a licence for a private market " in the second column be deleted. I do so because the clause itself has been deleted.

The amendment was put and adopted.

Mr. C. M. King: Similarly, in the same schedule the figure " 154 " in the first column, the words " to charge a fee for a licence " in the second column, and the words, " May be delegated " in the third column be omitted because the clause itself has been deleted.

The amendment was put and adopted.

The Hon'ble Pandit Jagat Narayan: I have only to thank honourable members who have in their speeches made kind references to me, and I hope that after these speeches the motion that the Bill be passed will be unanimously accepted.

The motion that the Bill as amended be passed was put and the Council divided as below :—

AYES (51).	NOES (20).
Lala Shadi Ram,	Lt. Shaikh Shahid Husain,
Mr. H. David,	Mr. Zafar Husain,
Sardar Birpal Singh,	Lt. Nawab Muhammad Ahmad Sa'id Khan,
Thakur Hanuman Singh,	

AYES (51).

Pandit Brijnandan Prasad Misra,
Rai Ravinandan Prasad Bahadur,
Major Kunwar Shamsher Bahadur Singh,
Rai Kunwar Dillipat Shah Bahadur,
Bhaya Hanumat Prasad Singh,
Nawabzada Muhammad Yusuf,
Raja Indrajit Pratap Bahadur Sahi,
Mahant Parmanand Gir,
Rai Indra Narayan,
Rai Mashal Singh Bahadur,
Babu Gendan Lal,
Rai Jodh Singh B. Negi Bahadur,
Rai Gopal Das Sharma Sahib,
Rai Rajeshwar Bali,
Mr. R. Burn,
Mr. A. B. Reid,
Mr. A. H. Mackenzie,
Mr. A. C. Verrières.
The Hon'ble Mr. C. Y. Chintamani,
The Hon'ble Pandit Jagat Narayan,
Mr. G. B. F. Muir,
Mr. C. M. King,
Mr. H. S. Crosthwaite,
Mr. G. E Lambert,
Mr. L. S. White,
Kunwar Jagdish Prasad,
Mr. F. F. R. Channer,
Mr. S. H. Fremantle,
Mr. H. de L. Ross,
Lieut.-Col. A. W. R. Cochrane,
Mr. H. M. Leake,
Mr. F. F. Sladen,
Babu Khem Chand,
Rai Anand Swarup Bahadur,
Pandit Soti Vishnu Swarup,
Pandit Baijnath Misra,
Chaudhri Mukhtar Singh,
Babu Gur Sahai,
Major D. R. Ranjit Singh,
Pandit Nanak Chand,
Thakur Rajendra Singh,
Munshi Narayan Prasad Ashthana,
Pandit Iqbal Narayan Gurtu,
Pandit Hirday Nath Kunzru,
Rai Vikramajit Singh Bahadur,
Raja Kali Charan Misra,
Pandit Gokaran Nath Misra.

NOES (20).

Raja Raghuraj Singh,
Khan Bahadur Shah Badre Alam,
Pandit Balbhadra Prasad Tiwari,
Raja Harpal Singh,
Rai Kunwar Parmanand Bahadur,
Munshi Ata-at-mand Khan Mujibee,
Khan Bahadur Sardar Rahimdad Khan,
Mirza Muhammad Sajjad Ali Khan,
Khan Bahadur Shaikh Saiyid Muhammad,
Khan Bahadur Chaudhri Amir Hasan Khan,
Khan Bahadur Kunwar Inayat Ali Khan,
Thakur Nawab Ali Khan,
Khan Sahib Hakim Nawab Ali Khan,
Lt. Kunwar Jamshed Ali Khan,
Khan Bahadur Muhammad Zahur-ud-din Khan,
Mr. Jafer Hosain,
Thakur Jagannath Bakhsh Singh.

The Bill was accordingly passed.

The Hon'ble the President: It is proposed to open the next meeting of the Council on the 12th of December. The Council will adjourn until the 12th of December, 1922.

